

1904-048
Lee Co.

Chancery Causes: W. E. Neff vs. Mary E. Neff

Folder 1 of 2

CA-Divorce

Munay, Weston, Sadler, Bacon, Short, Young, Slagle, Ely,
Warren, McNeil, Jones, Merriman, Munsey, McNeil, Kidd,
Blankenship, Wygal, Lawson, McClure, Burchett, Barnes,
Anderson, Ellis, Scott, Orrick, Minter, Bowen, Litton, Parkey,
Bush, Bell, Stapleton

-Correspondence

-Photographs

To the Hon. H.A.W.Skeen, Judge of the Circuit Court for Lee County, Virginia:

Your orator, W.E.Neff, respectfully represents unto the said court, that on the 13th day of April, 1899, he was married to Mary E. Munsey, in Lee County, Virginia; that she and your orator were then, have been since, and are now citizens and residents of Lee County, Virginia; that soon after said marriage they went to house keeping, and lived together until on or about the last Sunday in July, 1899; ¹that during said time he provided for his said wife as good and as comfortable home as his means would permit; ²that he secured the services of others to shield her, as much as possible, from the work attending household affairs; ³that during all said time he treated her kind, and used all his efforts, to make his said home pleasant and attractive for her; ⁴that on or about the last Sunday in July, 1899, he and his said wife, Mary E. Neff, made a visit to her parents, and when the time arrived for them to return home, he reminded her of the fact, and said they must go back home, but to his great surprise and astonishment she informed him she would not return with him, and would live with him no longer; ⁵that he used all the persuasion he knew to get her to return with him, and wanted to leave her a horse for her to come home on, but this she would not allow; that he was informed by her father that if she desired to return to him he would bring her back; ⁶that he left for his home with the hope that she would send for him to come for her in a few days, but instead of this she sent for her furniture and her personal property, and took the same to her parents, where she and said property have ever since remained; ⁷that without cause, and against the will of your orator, his said wife, Mary E. Neff, when she refused to return and live with him, as aforesaid, she did so, with the intent, then and there to permanently abandon and desert him, and has so abandoned and

deserted him for more than three years prior to the institution of this suit.

The object, therefore, of this bill is to obtain from his said wife, Mary E. Neff, a divorce a vinculo matrimonii .

The prayer, therefore of your orator is, that the said Mary E. Neff, be made a party defendant ~~to~~ this bill, and be required to answer its several allegations, but not under oath, an answer under oath being hereby expressly waived; that on a hearing of this cause, your orator be decreed a divorce from his said wife, Mary E. Neff, a vinculo matrimonii, and said marriage be annulled and dissolved. And for such other, further and general relief as is agreeable to equity, and suitable to his case..
May SPA. issue &c. And your orator will ever pray &c.

B. H. Swell *per*

W.E. Neff, ^(S) 2D
vs. ^{Wm} Bill-Chief
Mary E. Neff.

1902 2nd October rules
bill filed & presented

" 1st November rules held
the last Monday in
Oct Cause set for hearing

C.T.D.

Lee Circuit Court.

To the Honorable H. A. W. Skeen,

Judge of the Circuit Court of Lee County, Virginia:

The Answer of Mary E. Neff to a bill in chancery filed in your Honor's court by W. E. Neff against your respondent, the object of which is to obtain a divorce from said respondent.

For answer th the said bill, or so much thereof as your respondent deems it necessary she should answer, answering she says:

That it is true that on the 13th. day of April, 1899, she was married to the said plaintiff, in Lee County, Virginia, where both the said plaintiff and your respondent have since lived. That after the said marriage, your said respondent and said plaintiff lived together as man and wife, from the date of the said marriage up to the 13th. day of August, 1899, instead of the last Sunday in July, 1899, as alleged by the said plaintiff. That said respondent has no complaint to make as to the comfortable home which plaintiff alleges that he provided for her during their short stay together. The home provided was a very small, two roomed house, but it was such as your respondent expected to live in ~~at that time~~, when she took upon herself the married relations. That it is true that during a part of the time that your respondent and the said plaintiff lived together, that the said plaintiff provided or secured the services of a girl and, a portion of the time, a little boy, about seven years old, to help her in attending to the household affairs. But your respondent denies that during the time that she and the said plaintiff lived together, that the said plaintiff was kind and loving and friendly and pleasant to your said respondent, and denies that he made any effort to make his home pleasant and attractive for her, but in many ways exerted himself to make it everything else than a pleasant home; the facts of which she will set out

more fully later on in this answer.

Your respondent denies that on the last Sunday in July, or the 13th. day of August, 1899, the time spoken of in the plaintiff's bill when your respondent and her said husband made a visit to the parents of your respondent, that at that time she refused to return home with him or to live with him longer, and your respondent will explain later on in this answer how it was that she failed to return home with him at that time. Your respondent also denies the allegations of the said plaintiff, that he used all his persuasion to get her to return home with him, and denies that the plaintiff even asked her to return with him. Said respondent denies also the allegation of the plaintiff, wherein he alleges that he had hopes that respondent would send for him to come for her in a few days, but she believes, alleges and charges that it was the desire of the plaintiff that your respondent should never go back to the home of the said plaintiff. Your respondent admits that it is true, that several months after her husband left her at the home of her father, that she sent for the little furniture and personal property which had been given to her by her father, but this was not done until this respondent had abandoned all hope that the plaintiff, her husband, would ever come for her to take her back to his home as his wife. Your respondent also denies that she ever refused to return to the home of the said plaintiff, and live with him as his wife, and denies that she ever had any intent to abandon her said husband, or to desert him, and denies that she ever has abandoned or deserted him up to the present day.

Your respondent now, having answered the several allegations of the plaintiff's bill, desires further to set forth her side of this very sad case. Your respondent avers that long before the time that she and the said plaintiff were joined together in holy matrimony, and for years, the said plaintiff had visited your respondent,

paid his attentions and respects to her, made his protestations of love and affection for her, and won her confidence and her love; and believing that the said plaintiff was earnest in his professions of faithfulness and love toward her, your respondent became engaged to the said plaintiff, and was afterwards married to him on the day hereinbefore set forth.

Your respondent alleges that on the day they were married, the said plaintiff took your respondent to the city of Knoxville, Tennessee, and that from the day she left her father's home to go upon this little tour with him, the said plaintiff began his neglect of attention and kindness toward her, and that in the city of Knoxville, he there neglected her and left her to the care of a stranger who happened to be kind enough to take her to a hotel and show her a place to stay; for your respondent alleges that she was a plain country girl, who had never been in the city, and knew nothing of the ways of city life, nor where to go. Your respondent alleges that, soon after they returned home, she and the said plaintiff went to housekeeping in the little home provided for her as aforesaid. Instead of staying with her at his home at night to protect her, the said plaintiff went to his place of business, a store-house where he was selling goods, a short distance, and there kept his abode at night. Except a very few times ^{he} ~~your respondent~~ stayed at the home so provided for her, but the said plaintiff's staying there was very rare. Your said respondent alleges that while the said plaintiff and she resided together, the said plaintiff shunned your respondent, and when she would come into his presence would often tell her to get out of his sight, that her absence was preferable to her presence, and at times would tell her to go home to her father, and stay there. He often told her that he married her expecting that she would make him money, but that she had failed

to do so; and in various ways, and at various times, the said plaintiff undertook to drive your respondent from him by unkind treatment, and to make life with him so hard and so unpleasant, that by this means he hoped your respondent would desert him, and under a pretext that it was respondent's fault, obtain from her a divorce; and on the day that she went to her father's home on a visit, ^{and while on the way to said home,} the said plaintiff told your respondent that he would take her to her father's home, and there he would leave her, and respondent believes that it was the intention of the said plaintiff to leave her at her father's home, on the day that they went there.

Your respondent is very sorry to have to admit that the married life between your respondent and the said plaintiff was very stormy and unpleasant, not because your respondent desired such a life, but because it was forced upon her by the exacting spirit of her said husband, and your respondent, on the day that plaintiff avers that she deserted him, alleges that she called the said plaintiff and her father into a private apartment at the home of her father, and there undertook to get from the plaintiff an agreement to end the unpleasant manner in which they had been living at home, and said respondent and her father pleaded earnestly with the said plaintiff that he, the said plaintiff, should treat your respondent in a more friendly and husbandlike way than he had done in the past, and tried to get him to agree to live with her at home at night, instead of going away to another house to sleep. Your respondent told the said plaintiff that she did not feel that she ought to go back to the home to live as they had been living, but she was ready to go in case the said plaintiff would stay with her and live with her as a husband. But the said plaintiff refused to so agree. Your respondent told the said plaintiff that she was willing

and ready to go back to his home when he would live with her, and stay with her as a husband, and told him that whenever he desired to come for her with that understanding, that she was ready, and has always since that time been ready, to go back to the home of the said plaintiff, and be a faithful, loving and dutiful wife.

On that same day the said plaintiff went away from your respondent, and during and through the three long years which have elapsed since that time, he has never come back to take his wife to his home, and never given your respondent a word, but has always been distant, and ^{^ and has never contributed anything toward her support.} has always shunned your respondent. ^ And the first communication which your respondent had from her said husband was when barely the three years had elapsed, to-wit, on the 14th. day of October, 1902, the said plaintiff had served upon your respondent a summons to answer his said bill.

Your respondent alleges that while she and her said husband lived together, she tried to be a faithful, loving and dutiful wife, always subservient to the reasonable demands of the said plaintiff; and alleges that she was at no time at fault in causing the said plaintiff to seek to drive her away from home as his wife. From the conduct of the said plaintiff toward your respondent while she was living with him, and from his actions since the 13th. day of August, 1899, and from his declarations to others throughout the country, your respondent is forced to believe that the said plaintiff undertook, by cruel conduct and coarse language, to drive your respondent to a state of desperation, that she would be forced to forget the marriage vows, and to leave his home and abandon the said plaintiff, because the respondent believes that the said plaintiff expected your respondent's father to give to him a lot of money upon their marriage, and as your respondent's father was not able to do so, the said plaintiff was dissatisfied and disappointed in his marriage; and your respondent alleges that it was the plaintiff who deserted your respondent, and not your respondent the plaintiff.

Your respondent avers that she has always been ready and willing and anxious for a reconciliation of the differences which existed between herself and her said husband, and alleges that she has never at any time had any intention to desert or abandon him, and she would have been willing long since to have reconciled the said differences, and gone back to the plaintiff's home, had the plaintiff ever approached her, or shown in any manner a willingness to settle the differences. And it has been with a sad heart, and through many years of suffering, that she has waited, and expected and hoped that her husband, the man whom she loved, to whom she was willing to give herself as a life companion, would seek a reconciliation; but all in vain.

Your respondent believes, alleges and charges, that the said plaintiff has never had any love or respect for her, and for this reason she believes that it would be impossible for them to live together in peace and harmony, and for this reason, and because of the legal grounds of desertion and abandonment, as hereinbefore set out, on the part of the said plaintiff toward respondent, respondent herself asks your Honor to grant her a divorce from the said plaintiff, for she again denies that she has given to the plaintiff any lawful reason for seeking a divorce from her.

Your respondent feels that she ought to have some provision made for her support and maintenance,

so long as she remains the wife of the said plaintiff, or so long as she remains unmarried. Your respondent avers, and will show unto your Honor, that the said plaintiff has real estate and personal property worth from \$3500 to \$4500; that he is a man who is strong and able to work; and that he has a present income of about \$600 per annum. On the other hand, your respondent alleges that she is poor and has very little property with which to support and maintain herself; that she is a woman of no income from any source, and is dependent altogether upon the support given to her by her father and relatives. It is true, however, that she has a little property given to her by her father, consisting of a little household goods and other property worth from \$140 to \$150. She states that this is altogether insufficient to support and maintain her, and that if her father did not support her, or if at any time he should become unwilling to support her, then she would be thrown out upon the charities of the world. She believes that it is right and just that her said husband should afford her a reasonable support and maintenance, according to his estate and income. Said respondent also alleges that she has no money with which to employ and pay counsel in defending this suit, and in prosecuting her said claim against her said husband for alimony, and she believes that it is right and just that her said husband should be required to pay her a reasonable ^{sum} for the prosecution of her rights in this suit. She has thought it necessary for the proper presentation of her cause, and the representation of her interests in this case, to employ as her counsel Mr. R. T. Irvine and the firm of Pennington Brothers, and in order to enable her to pay the said attorneys for their services in this matter, she seeks that the said plaintiff be required to pay her a reasonable sum, which your respondent believes should be the sum of \$200. In support of her contention that she is entitled to

temporary alimony and suit money, she here files the affidavit of her father, James J. Muncy, which sets forth her condition, and the condition of the said plaintiff, with reference to finances. It is not the object of your respondent to seek of the plaintiff an unreasonable sum for her support and maintenance, but she is advised that a reasonable alimony has been declared to be in the State of Virginia from one-third to one-half of the husband's income, depending upon the circumstances of the parties.

The prayer, therefore, of your respondent is, that the said plaintiff, W. E. Neff, be required to pay to your respondent, or her attorneys, such sum as the court may think is a just compensation for the attorneys who represent her in this cause, and that he be required to pay, or secure the payment of, such sum at the present time; that upon a hearing of this cause, she be granted permanent alimony; in such sum as the court in its opinion, from the evidence, may think and choose to allow her, and that she be given a decree for ^{*divora a vinculo matrimonii*} her costs in this behalf expended. And she will ever pray, &c.

Remington Bros
R. T. Davis
For respondent

W. E. Steff.

In Chancery

Mary E. Steff.

Answer

W. E. Neff - - - - - Plaintiff.

vs. In Chancery.

Mary E. Neff - - - - - Defendant.

This cause came on this day to be heard on the bill of the plaintiff, the answer of the defendant, the former order made in the cause, the depositions of witnesses, taken since said former order was made, and was argued by counsel;

On consideration of all of which it is adjudged, ordered and decreed that the bonds of matrimony existing between the plaintiff W.E.Neff and the defendant Mary E.Neff be, and they are hereby dissolved without limitation of restriction; and it is further adjudged, ordered and decreed that each party pay his and her own costs incurred in said cause. *And the said Mary E. Neff is hereby*

restored to the maiden name of Mary E. Munnery -
And said cause is now stricken from the docket.

W. E. Neff - plff.

vs. { Su Chy.

Mary E. Neff. dlt

Decree Final

Entered in C. C. B.

No. 7 page 424

Enter this Decree

H. A. W. Shum

Feb. 20, 1904.

W.E.Neff,

Complainant,

vs.

In Chancery,

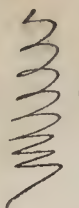
Mary E.Neff,

Defendant.

This cause came on this day to be heard upon the bill of the complainant and the answer of the defendant filed in open court by leave of the court, ^{& general replication thereto} and affidavits filed with the said answer of the said answer of the said defendant, and the counter affidavit of the said plaintiff, and the motion of the defendant for temporary alimony, and was argued by counsel:

On consideration of all which the court is of opinion that the said defendant is entitled to temporary alimony; and it is adjudged, ordered and decreed that the said W.E.Neff pay to the said Mary E. Neff or her attorneys the sum of One hundred Dollars, and if said sum is not paid within 30 days then, upon the request of the said defendant or her attorneys the clerk of this court shall issue execution against the said W.E.Neff for said sum of money, with interest thereon from the date of the issuance of the execution. And this cause is continued.

H. E. Neff

or  Alucra

Mary E. Neff.

Entered C. O. B. 7 P. 203.

Entered this Nov

15, 1902-

H. A. W. Steen

The deposition of R.S.Neff taken upon agreed interrogatories, at the residence of the said Neff at Valley, Oklahoma, before me Lenore Stewart, a notary public in and for the County of Pawnee, in the Territory of Oklahoma, which deposition is intended to be read as evidence in behalf of the plaintiff in a certain suit in chancery now pending in the Circuit Court of Lee County, Virginia, in which W.E.Neff is plaintiff and Mary E. Neff is defendant.

R.S.Neff a witness of lawful age being first duly sworn deposes as follows:

Q. 1.-- Please state your age, occupation and place of residence.

A.--Age 48; occupation farmer; residence Valley, O. T.

Q.2.-- Are you acquainted with William E. Neff and Mary E.

Neff the parties plaintiff and defendant to this suit, and if you are in any way related to them or either of them, please state what that relationship is?

A.--Yes, I am; I am a brother to Wm. E. Neff.

Q.3.-- Please state whether or not, at the request of William E.Neff, after his wife left him and went to reside at her father's you made any attempt to affect a reconciliation between them and to get her to return to her husband, and if you state you did, please state what you did, when it was and what success you had stating in full without further question all that was said and done?

About the time she left Wm., we went on a visit to Father's; and when we arrived there I asked Wm. where his wife was; he said she was at her father's; I asked him when she would be at home; he said he did not know as he wanted to leave a horse for her to ride home, and her father said he would bring her when she wanted to come. When I was at William's house a few days afterward, I asked about Mary's things; he said they were in those boxes. I suggested to Wm. that I go to Mary's fathers and try and persuade her to come back to him and he agreed that I should do so; I went, but she and her parents seemed reserved on that subject. I afterwards saw her father and brother at Andrew Fitts' sale; and spoke to them

about Wm. and his wife not living together. Her father said, Mary was not satisfied to live with William.

Cross Examination.

Ques.

If you state you went to see Mrs. Neff, then please state where you saw her, and who was present.

Ans. I saw her at her father's home; her father and mother were present.

Ques.

What month in the year was it and how long did you stay when you went

Ans. It was about August or September 1899--to the best of my recollection it was in August, of 1899.

R. S. Neff

Territory of Oklahoma)

County of Pawnee)

:- To-wit:-

I, Lenore Stewart, a notary public in and for the County and Territory aforesaid do certify the the foregoing deposition of R. S. Neff was taken sworn to and subscribed to before me on the 27 day of June, 1903, and at the place and for the purpose in the caption mentioned.

Given under my hand, this the 27 day of June, 1903.

Lenore Stewart N. P.

My commission expires Sept 1 1903

Wm. E. Neff
vs } Deposition

Mary E. Neff

Received by mail in
good condition and filed
July 1st 1903.

A. H. Munsey Clerk

The depositions of W. E. Merriman and others, taken before me L. T. Hyatt, a commissioner in chancery for the circuit court of Lee County, Virginia, at my office in the town of Jonesville, in said county, on the 16th day of June, 1903, pursuant to agreement of parties, by their attorneys, to be read as evidence on behalf of the defendant in a certain suit in chancery now pending in the circuit court of said county wherein W. E. Neff is plaintiff and Mary Neff is defendant.

J. C. Noel
Present: R. L. Pennington, of counsel for the defendant.

Geo. P. Criddle
C. T. Duncan and *A. H. Sewell*, counsel for the plaintiff.

The witness, W. E. Merriman, being first duly sworn, deposes as follows:

Q. 1.--State your age, residence, and occupation?

A.--I am 42 years of age, live near Van, Lee County, Virginia; and am a farmer.

Q. 2.--How long have you been acquainted with Wm. E. Neff and his wife, Mary Neff, formerly Munsey?

Ans.--I have known Mr. Neff from the time I was a small boy; and have known Mrs. Neff some seventeen or eighteen years.

Q. 3.--Some time after the separation of these parties as man and wife, in the town of Jonesville, did you have a conversation with Mr. Neff in regard to the separation and reconciliation; and, if so, will you please state how said conversation came about, and what you said to him and he to you in regard thereto?

A.--On one occasion, the way my memory serves me, I think it was at Hubbard Springs, but will not be certain as to the place, but I think I had some two or three loads of cattle at the stock pens at that place and was sitting up on the stock pens ^{with} probably as many as 10 or 15 men and boys in all, and something was said, I don't remember who by, about the separation of Mr. Neff and his wife, and some one was telling me about a conversation, or what Mr. Neff should have said when Mr. Munsey took a load of furniture and stuff down to Mr.

Neff's place at Ann, and said that Mr. Neff made the remark that "it was too much, why didn't they bring the money, that they had no use for that stuff". I listened to the statement, and then made the remark that "if Will Neff said that, he ought to have his throat cut". Some time after that, I could not say how long, in Jonesville, Mr. Neff mentioned it to me, and said that he understood that I was talking about the matter. I says, "Mr. Neff, I can tell you the conversation as it occurred", and I detailed the conversation to him as it occurred at Hubbard Springs, just as I have detailed it above. Mr. Neff went on to say that they really had no use for the furniture or some of it, that they neither had a home to take it to, or some words to that effect. I do not remember just exactly what was said. Mr. Neff and myself then got into a general conversation about the separation and the trouble that arose between him and his wife. On one occasion ^{had} I had a conversation with Mrs. Neff's two brothers, and I inferred from their conversation that they would like for a reconciliation to be brought about. Being an intimate friend of both parties, and having a good chance to bring the matter of reconciliation up, I broached the subject to Mr. Neff, and he rem^{ar}ked that "he would never do it, that it had gone too far". I did not tell Mr. Neff what the Munsey boys said to me. This talk with Mr. Neff in Jonesville was some time in the fall after the separation in the summer, two or three months after the time I shipped the cattle from Hubbard Springs, and I should guess that was about October.

Cross-Examination.

Q. 1.--Can you tell me the names of the persons who were present at Hubbard Springs at the conversation, or wherever it did occur, which you have detailed above?

A.-- I can't do it, for I don't remember. My recollection is that Albert Noe was there, and I believe that Hen Clifton, and two or three of the Jedford boys, little fellows, and they were helping me load

Q. 3. --Can you tell who it was that undertook to detail wh^at Mr. Neff was reported to have said about the plunder which Mr. Munsey had carried to his daughter?

Ans. --No sir, I could not undertake to tell who it was.

Q. 4. --In the conversation which occurred afterwards between Mr. Neff and yourself about the Hubbard Springs conversation, did you tell him who had undertaken, at Hubbard's Springs, to detail his conversation?

Ans. --If I did, I don't remember it now.

Ques. --5. --In that conversation, had in Jonesville, did you tell him that you had had a conversation with her two brothers?

Ans. --No^t sir, I did not.

Q. 6. --In this conversation, as I understand you, you and Mr. Neff had a general conversation about the troubles between him and his wife. Did he tell you what those troubles were?

Ans. --He did not. Well, too, I believe he said that she would not be a wife.

Q. 7. --Please state, as nearly as you can, all Mr. Neff said about the reconciliation and about the matter going too far for a reconciliation~~tion~~ to be brought about?

Ans. --I have stated it all above as fully as I remember it. There might have been other things said of more importance which I took no notice of, and do not remember.

Q. 8. --You do not remember, then, what reason he gave for saying that the matter had gone too far between them for a reconciliation to take place?

Ans. --Nor sir, we were sitting on the little back porch^h at Russell's store, and it seems to me that somebody called me or him one, and the conversation was broken up just as he made the remark^k that the matter had gone too far.

Q. --Was there any other person present when the conversation was had between you and Mr. Neff?

A. --No sir.

Re-direct Examination.

Q. 1.--Are you acquainted with Wm. N. (commonly called Dock) Burchett?

A.--I am.

Q. 2.--Are you acquainted with the people in the neighborhood in which said Burchett lives, generally?

A.--I am acquainted with the people in the neighborhood where he now lives and where he formerly lived.

Ques. 3.--Are you acquainted with his general reputation in the neighborhoods in which he has been living for the past few years, for truth and veracity?

A.--I am, in the neighborhood where he formerly lived, but not in the neighborhood where he now lives.

Ques.--Is his reputation, in the neighborhood where he formerly lived, for truth and veracity, good or bad?

A.--It is bad.

Q.--5.--Judging him from his reputation in said neighborhood for truth and veracity, could you give him full faith and credit upon oath?

Ans.--I could not.

Cross-Examination.

Q. 1.--How many persons have you heard discuss Mr. Burchett's reputation for truth and veracity?

A.--Well, I could not remember all of them, but I have had some considerable dealing with Mr. Burchett, and have come near having serious difficulties over some of his misrepresentations. I have heard the matter discussed by Tom Munsey, Nath Worley, Bob James, John James, that I call to mind at the present time, and Butler Munsey.

Q.--What brought about the discussion of Mr. Burchett's character for truth and veracity by these parties that you have named, commencing with Tom Munsey?

A.--We discussed the matter with Tom Munsey from this fact. Mr. Burchett wanted me to furnish him some supplies to make a crop on, giving me a lien on his growing crops of wheat and corn, and when he come to

cut the wheat, it turned out to belong to Mr. Pennington who had furnished the seed and land. Still I got the wheat before I found out that Mr. Pennington had any claim on it, but in the end lost considerable money on Mr. Burchett.

The conversation with Nath Worley come up over the failure of Mr. Burchett to pay some little frivolous store accounts, --in violating his promises.

~~Butler Munsey~~ Mr. Burchett was to go down the river with me at one time on a flat boat with grain, and I was to pay him half his wages in money and let the other half go on what he owed me, and right up at the time we had to go, he refused to go without paying all money, and this gave rise to the conversation between me and Butler Munsey about what little dependence was to be put in the man. I did, however, finally get a part of my debt out of his wages. After we got started on the trip down the river he agreed to let part of his wages go on his debt.

The conversation with Bob James was in regard to the wheat. I was to have the wheat from the thrasher, and sent Bob James down there after it on the day it was threshed, and Burchett refused to ~~xxxx~~ let him have it, tried to bluff him --and James sent for me, and I went down and got the wheat, and the next day Mr. Pennington come and claimed the wheat and wanted me to deliver it to him. It was this wheat transaction that caused the discussion between me and Bob James.

Q.--The discussions of Mr. Burchett's character with the persons you have named all came up with reference to his keeping his promises in reference to the payment of his debts, did they not?

A.--Yes, those that I have named above.

Q.--Have you heard his reputation for truth and veracity growing out of anything else except with regard to his promises with reference to debts and the payment thereof, discussed; if so, by whom, and about what?

A.--I have heard Tom Munsey talk about his disappointing him about work. I was about the store a good deal and heard it remarked that a bushel of corn should be brought to the mill for telling a tale after

"Dock". It was generally said that he would not keep his promises.

Q.--He was every poor boy, was he not?

A.--Yes sir.

And further witness saith not.

W. J. McQuinn

(Does not claim.)

Isaac Weston, another witness, being first duly sworn, deposes as follows:

Q. 1.)-State your age, residence, and occupation?

Ans.--I was born July 23th, 1826; residence, near Van, Lee County, Virginia; occupation, farming.

Q. 2. --Are you acquainted with Wm. M. (commonly called Dock) Burchett?

A.--Yes, I am well acquainted with him; he lived around about my neighborhood until a year or two ago.

Q.--Are you acquainted with the people of that neighborhood, and the general reputation of said Burchett among those people for truth and veracity?

A.--Yes, I am acquainted with it. Among good citizens, such as men who would take him on their land, he would not work for them after a little while, but would go off and work for some one else.

Q.--Is his reputation for truth and veracity good or bad?

A.--It is bad, I think.

Q.--Judging him by that reputation, which he bears, could you give him full faith and credit upon his oath? ~~xxx~~

A.--I could not, for I have tried him.

The latter part of this answer is objected to because the witness must speak of the general reputation of the person, and not what he knows about him himself. If he means to say that he tried the witness on oath, he must point out the occasion, the trial, and before whom had.

C. T. Duncan and Geo. P. Gridlin, for plff.

Q. Cross-Examination.

Q.--You say in answer to the last question, that you could not give Mr. Burchett full faith and credit on oath, because you have tried him? What do you mean by that?

A.--Two or three or four years ago he was working for me. He worked a week or two. I was paying him 50¢. per day. He might have been working longer than that. Mr. Butler Munsey's children came over there and stayed all night with us; Dock, he come over to go to work, and as well as I recollect it was Friday. Butler's little boy said to me, "Grandpa, is Dock going to work for you to-day?" and I says, "Yes I reckon". Harvey says, "Why he promised to work for mama to-day and to-morrow". I called to him to know the facts in the case. He says to me, "Yes, I was to work for her". He says, "I owe her, and I want you to pay it". I will work for you to-day and to-morrow and you pay her \$1.00". He hollowed after the children when they started that to tell their mama that grandma would pay her a dollar for Dock Burchett. It passed off till Monday, and Monday was court and speaking here (at Jonesville), and Dock wanted to come to speaking, and he says "I want you to pay Emily \$1.00 for me" (that was my wife's daughter, the mother of the Munsey children) When we returned that night from court my wife said to him "Dock, I have paid that dollar", and he answered and said "I just owe her a half dollar now, and I want you to pay that", and she said "I will when you do the work". He went off and was gone about two days, as well as I recollect, and he came back in the evening late, and my wife insisted on him coming in and taking a seat. "No, I am not coming, I come to get that dollar you owe me". "Why," she says, "it ain't possible, Dock, why I don't owe you any dollar." He says "Yes, you do, that dollar you gave Emily, I never gave you no leave to pay it, and if you don't pay it, I'll warrant you, I'll warrant you before to-morrow night." He went down to Squire Cunningham's and swore out a warrant that we owed him a dollar and put it in the sheriff's hands and the sheriff came and notified us to attend trial. Dock had a cousin ~~xxxxxx~~ who had been living at our house four or five years and he persuaded Dock, he says "Dock, why you know they will beat

you, and if you go into trial you will have the cost to pay". He took the warrant in, or notified the sheriff to hold it up, and he never collected it, and that would it up.

Q.2.--Was you present when Burchett got the warrant, from Cunningham?

A.--No sir, I was not. What I know about that, I got from the squire himself. The squire said he told him that our reputation was too good for paying our debts, that he tried to keep him from swearing it, but he went ahead and swore it.

Q.--If you were not present, how do you know he swore out the warrant?

A.--I don't positively know it, but the sheriff had it in his hands and come and notified us.

Q.--Don't you know that a warrant is never sworn out in a civil case?

A.--Well, of course. He swore to the account, though, or the squire said he did, I did not hear him. The squire ^{said} he did not want to do it, but he required it.

Q.--How many persons did you ever hear discuss the reputation of W N. Burchett for truth and veracity?

A.--Oh, I don't know, Judge, I could not tell you. I know that it was the general talk through the neighborhood that he was not truthful, and that there was no dependence in him.

Q.--Can't you tell me the name of no person in the neighborhood who said he was not truthful?

A.--Certainly, I could tell you a dozen. W.B. Munsey and his wife, Ed. Burchett, Joe Burchett, Will Burchett, and all the rest of the Burchetts except Dock's family.

Q.--What was the occasion of Butler Munsey and his wife discussing his reputation for truth and veracity?

A.--He lived there on the place with them a year or two, and Butler's wife told me this morning that she would not believe him on oath no way.

Q.--What was the occasion of Ed. Burchett, Will Burchett and Joe

Burchett discussing his reputation ^ofr truth?

A.--They all, particularly Ed. and Will Burchett, and I have heard them say there was no dependence in him.

Q.--Now, has not all the discussions which you have heard of Mr. Burchett's character for truth and veracity grown out of his failure to keep his promises in ref^erence to the payment of his debts and his failure to keep his promises in reference to working for people?

A.--When he would promise you, sometimes he would come and sometimes he would not come; there was no dependence in him. Yes, the discussions of his character have grown out of his failure to keep his promises.

Q.--Mr. Burchett is a very poor man, is he not?

A.--Yes sir.

Re-Direct Examination.

Q.--In answer to the next to the last question propounded to you in your cross-examination, you answered that the discussions of Dock Burchett's character or reputation grew out of his failure to keep his promises. Now, by way of refreshing your memory, have you not heard it talked among his neighbors that he has sworn falsely against people and against one Wm. Short in particular?

A.--I could not tell about Short. I could not say what I have heard, I have heard so much about him. I have heard people say they would not believe him on oath, and that he would not keep his promises, and there was no dependence in him. I have heard more than one say to-day that they would not believe him on oath.

Obj.--The foregoing answer is objected to, because in no way responsive to the question, and is a complete evasion of answering the question as it was propounded.

Re. Cross Exmination.

Q.--What persons have you heard say to-day that they would not believe Dock Burchett on oath.

A.--Mrs. Munsey, and Jim Livesay was another.

Q.--What relation is Mrs. Munsey to Mary Neff and her father, J.J. Munsey?

A.--J. J. Munsey is her uncle, I think. She is also J. J. Munsey's sister-in-law.

And further witness saith not.

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day 50c

Isaac ^{his} Weston
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John H. Sadler, another witness, being first duly sworn, deposes as follows:

Q. 1.--State your age, residence and occupation?

A.--I am 40 years old; am a farmer by occupation; and reside near Van, Lee County, Virginia.

Q. 2.--Are you acquainted with Wm. E. Neff and Mary Neff, the parties to this suit?

Ans.--Yes sir.

Ques.--Were you acquainted with them at and before the time they separated?

A.--Why, I suppose I was.

Q. 4.--State whether or not, along about the time they are said to have separated, you heard any conversation between them as to their separation; and if so, state the time, place, and circumstances under which you heard it, and also anything you may have heard either one say to the other in reference to their separation?

A.--Me and Hiram Yeary went down Wallen's creek to a spring that is known as the Bill Young Spring on Sunday to meet a jug of liquor that we had sent after, and we got there before the whiskey did, and got in the shade some ten or fifteen steps off of the road, and while we were there Willie Neff and his wife come along. They were in a conversation and I heard Mr. Neff say to his wife "That he would take her home and leave her there where he got her", or something to that effect. Now that is all that I know.

Q.--At the time you heard Mr. Neff use the words you have just detailed, what was his wife doing or saying?

Ans.--I think that she was crying is my opinion; I don't know that she was, but I think she was.

I did not understand ~~xxxxxxx~~ her to say anything. They were talking before they got to us, but I could not understand what they were saying. I believe she saw us before ~~she~~ he did.

Q.6.--State whether or not Mr. Neff was speaking to his wife in an angry or a good humored tone of voice?

A.--I don't think, from the way he was talking, that he was in a very good humor, though he might have been; I can't say.

Q.7.--State whether or not they were travelling at that time in the direction of Mr. Neff's home or the home of Mrs. Neff's father?

Ans.--They were travelling in the direction of Mrs. Neff's father's.

Ques.--State whether or not this was about the time Mr. Neff and his wife are said to have separated; and if so, detail any circumstance that makes you remember as to the time?

Ans.-- Well, sir, I suppose it was the day that he bought her home, the 13th or 14th day of August. I was going with the threshing machine at that time, and on the next morning--Monday--I related the circumstance to Bate Merriman and asked him if there was any trouble between Will Neff and his wife. He said if there was anything between them he did not know it.

Q.--How soon afterwards did you learn that they had separated?

A.--It was just a short time.

Q.1.-~~CRSXX=XXXXXXATXX~~ Are you acquainted with Wm. N. (commonly called Dock) Burchett?

A.--Yes sir.

Q.--Are you acquainted with the people in the neighborhood where he formerly lived on Wallens creek?

A.--Yes sir.

Q.--Are you acquainted with his reputation among those people in that neighborhood for truth and veracity?

Ocj.--Objected to.

Q.--I mean general reputation?

A.--Yes sir, I am.

Q.--Is that reputation good or bad?

Q. ~~Is that general reputation good or bad?~~

Ans. --Well sir, it is not very good.

Q. --Judging him by that reputation, could you give him full faith and creit on oath?

A. --No sir, I could not.

CROSS-EXAMINATION.

Q. --How many persons have you ever heard speak of the reputation of Dock Burchett for truth and veracity?

A. --I could not tell you how many, I could tell you a few.

Q. --Give me the names of the persons you have heard speak of it, and the time when you heard them discussing it?

A. --I have heard Hiram Yeary for one, Wm. Wilder for another, Bill Short for another, Bate Merriman, for another. I reckon that is about all that I can think of, all I care about thinking of.

I don't know as I could tell the very exact times.

Q. --Are these four persons all you ever heard ~~Mr. Burchett~~ speak of his reputation for truth and veracity; and if not, name any other persons you ever heard speak of it?

A. --As far as I know now, these are all.

Q. --What was the occasion or cause of these men speaking of his reputation for truth? Begin with Hiram Yeary and name each one that you have mentioned?

A. --He ran a pole-raft for Hiram Yeary, and Hiram said he swindled him out of eight or ten dollars of the money, I think it was ten dollars.

Bill Short said he swore a warrant out for shooting at him, and that he was in Tennessee at the time he swore the warrant out.

Will Wilder said that he had had dealings with Dock and Dock had rascled him in very trade he had ever made with him.

Bate said he tried to swindle him out of the wheat that he had bought and paid him for.

Q. --These men that you have heard discuss his character, were discussing his honesty and not his truthfulness, were they not, all with the exception of Short. ~~XXXXX~~

A.--Why, I reckon they were.

Q.--How many persons lived in the neighborhood where Dock Burchett lived that you are acquainted with as stated above by you?

A.--I don't know how many there are, or were. I know every body that lived in that neighborhood.

Q.--Now give me your best estimate ~~xxxx~~ of the number?

A.--I suppose about 25 families would constitute the neighborhood.

Q.--And out of that 25 families, all the persons you ever heard discuss Dock Burchett's character is the four you have named above?

A.--Probably I have heard others, but I have no particular recollection of it. These four I remember to have heard. I don't suppose the neighborhood gathered up to talk about Dock Burchett.

Q.--How, then, can you state that you know the general reputation of Dock Burchett for truth and veracity, when you have only heard four men discuss his character in any way, and three of them discussing it alone for honesty?

A.--I suppose that that three is enough.

Q.--How do you come to recollect so distinctly that it was the 13th, or 14th, day of August that you and Hi Yeary went to meet the jug of liquor?

A.--I recollect I was with the threshing machine at that time, and Mr. Munsey said it was one or the other of them days that Mr. Neff brought his wife home.

Q.--When did Mr. Munsey tell you that it was the 13th or 14th of August?

A.--He told me to-day.

Q.--Then you are swearing from what Mr. Munsey told you, and from no independent recollection of your own are you?

Obj.--The foregoing question is objected to, because impertinent irrelevant and mis-leading, the witness not having stated that it was on the 13th or 14th day of August, but that he supposed that it was on one of those days.

A.--No sir.

Q.--Well, what independent recollection have you of your own that it was on the 13th or 14th day of August that you went to meet the jug of liquor?

A.--I don't know only by what Mr. Munsey said.

Q.--What time in the day did you and Mr. Yeary go to that spring to meet the jug of liquor?

A.--In the evening, after 12 ~~xxxx~~ o'clock.

Q.--Where did you start from?

A.--From Hiram Yeary's mill.

Q.--What time of the day did you start, and how far did you go to get to the spring?

A.--I don't know the time we started, but I suppose it is a mile down there, or probably a mile and a quarter to where we went.

Q.--How long after you got there until the jug of liquor came?

A.--I do not know sir, how long, but I expect we stayed there an hour and a half, or may be two hours.

Q.--Did Neff and his wife pass before the jug of liquor come or afterwards?

A.--Before.

Q.--How much liquor did you and Hiram Yeary have before you went there to meet that jug?

A.--We didn't have any; we were dry.

Q.--Did you or Mr. Yeary, either one, speak to Mr. Neff and his wife, or either or them, as they passed on that occasion?

A.--I think we both spoke to him. He stopped at the spring and got a drink of water, and gave his wife a drink.

Q.--Was it before they got to the spring, or after they passed, that you heard Mr. Neff use the language which you have testified he used on that occasion?

A.--Before they got to the spring.

Q.--What did he say to his wife at the spring?

A.--I don't recollect what he said, though I think he had a pint

tin cup and dipped up some water and gave to her.

Q.--How close were you and Yeary to the spring?

A.--I reckon we were as far as across this house, probably?

Q.--How close was Neff and his wife to you when he used the language that you have detailed above?

A.--I suppose some 12 to 15 steps.

Q.--How close were they to the spring when he used said language?

A.--I could not tell you exactly how far, but they were in 20 yards of the spring I guess.

Q.--What year was that in?

A.--Well sir, I really don't know what year it was in.

Q.--Which was Mr. Neff the nearest to, when he used that language, you or the spring?

A.--I don't know, sir, which he was the closest to, no idea which.

Q.--Tell the commissioner every word you heard Mr. Neff speak on that occasion?

A.--He said to the woman, "he was in front, they were not riding side by side, "that" he would take her home to her father's, "or" home where he got her, "or something to that effect, "and leave her."

Q.--Now, are those the only words you heard him use to her on that occasion?

A.--Yes, sir.

Q.--Didn't he ask her if she wanted ~~xxx~~ a drink of water?

A.--I don't know, he might have done it. I think he gave her a drink.

Q.--What is your best impression as to the language he used when he gave her a drink, or just before he gave it to her?

A.--Well sir, I really do not know.

Q.--Now, was this not the language which Mr. Neff used to his wife: "I will take you home, and leave you if nothing else will do?"

A.--It was something to that effect, that he was going to take her home, whether he said "if nothing else will do" ~~was it it~~ I can't

say. It has been a good while ago, and I didn't know I would ever be called to testify about the matter, or I might have been able to remember the exact words.

Q.--On this morning, since you came to town, and while sitting on the west side of the store of J.W. & W.E. Orr, here in the town of Jonesville, didn't you tell Mr. Neff that the language you heard him use on that occasion was this: "I will take you home and leave you, if nothing else will do."?

A.--I don't think I did; I told him what I have told in this deposition.

Q.--Now, tell exactly what you did say to Mr. Neff while you were sitting there?

A.--I told him that all that I knowed about it was just that word, that I heard him say that he would take the woman back and leave her there, is about what I told.

Q.--Is just what you have just now had written down what you told Mr. Neff this morning?

A.--I think sir, that it is.

Q.--Well then, what makes you say you think it is about what you said to him?

A.--Because I believe it

Q.--Do you know exactly what you did say to him this morning or not?

A.--I think that I have done told what I told him when we were talking. Why no, I can't repeat just the words I did say to him, or that he said to me.

Q.--What reply did Mrs. Neff make to Neff when he used that language to her?

Obj.--The foregoing question is objected to because a mere repetition of what has been asked the witness before, the witness having specifically stated that he did not hear Mrs. Neff say anything in reply to the language.

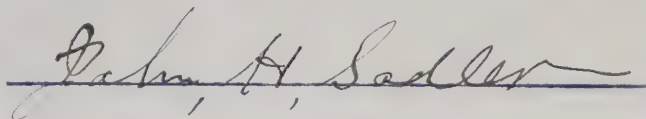
J. C. Noel and R. L. Pennington, for deft.

A.--I never heard her say anything.

Q.--Who brought the jug of liquor to you and Mr. Yearv on that occasion?

A.--I believe it was Jess Livesay, but I am not certain. We got it all the same.

And further witness saith not.



Witness claims one day 50¢.

James J. Munsey, another witness, being first duly sworn, deposes as follows:

Q.1.--State your age, residence and occupation?

A.--I am 66 years of age, reside near Van, Lee County, Virginia, and am a farmer.

Q.--What relation are you to the defendant in this case?

A.--She is my daughter.

Q.--Tell all that occurred on the afternoon on which Mr. Neff brought your daughter back home and when she did not return to Mr. Neff's home?

A.--I won't be positive, but my best recollection is that it was on the 13th day of August, 1899, and I guess between one and two o'clock in the afternoon, they came there, and we were sitting and talking in the porch. My wife, my son, John, and myself were all there were of us. They came in and sat there and talked some little time, probably a half hour or longer, when Mr. Will Burchett came in. Probably an hour after Mr. Burchett came, we all, that is, Willie Neff and his wife, Mr. Burchett, and my family, were talking, when Willie said "Mary, I guess it is about time we were going", and Mary says to him, "Come in, and see my dresser that pa has bought me". The house has two rooms to it, and we had to go through one room and through the hall before we got in to where the dresser was. When Mary started she motioned to me, and I got up and walked in right after them. They had some words with reference to the dresser and stepped back into the hall. She said to Willie "that she was not able to go to milk

where she had to milk the cow, and go and hunt the cow through the wet grass and weeds as ~~she~~ had to do", and she told him, "Willie, if you are not willing to milk the cow when I am not well and able to do it, why you let pappie take the cow back home". And Willie said he would have it done. I says: "Willie, ~~xx~~ unless you have somebody to milk the cow regularly," (a cow ought to be milked regularly) that she would have to go sometimes when she was not able to go, and that she was not very stout, and that her health will not admit of her going to hunt the cow though the wet and dew as she has been having to do. And I said to him "If you are willing, I will come down and get the co w and bring her home, and I have a young cow hereth cow I am aiming to give to Mary when she finds a calf if she does well; and if you find a convenient place to keep her, I will let you have the cow"; he said I could come and get the cow, and I told him that I would come down the next morning and get the cow. Well that ended the conversation about the cow. Then Mary says "Willie, I am not willing to go down yonder and live alone as I have been living". Willie~~s~~ says: "I have got that boy to stay with you". She says: "I did not marry you to go down there and live with that boy; ~~and~~ I ^{am} married you to live with you". Willie says to her: "If you are going, it is time you were going.", and turned and walked out though the hall and through the room and on out to the porch. I turned and walked right on after him, and Mary came on right after me, and when Willie got out into the porch where my wife, Mr. Burchett and Johnnie were ^{is} sitting talking, I said "Willie, take a chair", but he did not do so, but walked on out to the steps and on down the steps to the ground. Then he turned around and said "Mary, if you are going, it is time we were going". She said: "Idon't know whether I will go or not", and he just walked on. She said: "I don't know whether I will go or not unless you promise me you will stay with me and treat me right". Those were the last words she had to say to him. Willie walked on and got down into the y^{ar}d some few steps, and said "What shall I do with this horse, shall I leave it?" I says: "No, if you go, take the horse with

you". , and he went on and got the horses, and I said to him "If Mary wants to come in the morning when I come after the cow, I'll bring her". After he got on his horse, he said to her "When shall I come after you", and she replied "Whenever you are willing to stay with me and treat me right." I then went on down to the road gate with him and tried to get him to come back and stay all night and try and see if we could reconcile the matter, and he would not agree to stay. That ended the conversation and he went off.

Q.--Did you go after the cow the next day as you stated you would?

A.--Yes sir, the next morning.

Q.--Did you have any talk on that day that you went after the cow, with Mr. Neff, in regard to himself and wife; and if so, tell what was said between you and him in respect thereto as nearly as you can remember?

A.--We had a talk in reference to it. I think the way the conversation came up was at the store and I invited Mr. Neff to a private conversation, and we walked out to the stock scales some little distance from the store. My recollection is that Willie says as we walked out to the stock scales "Mary, didn't come, did she?" and I answered: "No, she didn't come." She told me to tell you that whenever you were willing to stay with her and treat her right, you could come after her". He said he "did act a little hasty in reference to her borrowing some irons, and done wrong in that, that he ought to have let her use the irons and send them home and then tell her he did not want her to borrow." He then said in reference to what he had told her about having some women to meet him at the store, "that he had done wrong in telling her that". Then we had some more talk about him going to the house and staying. I told him: "You ought to stay at the house with Mary", and he made excuses that he wanted to stay at the store on account of his keys, that he was afraid about his keys. I said "Willie, that is no reasonable excuse, you go off and leave the keys with Mary when you leave home"; and he refused to go and stay at the house. I think that is about all there was of that conversation.

Q.--State whether or not he gave any other reason in that conver-

sation why he did not stay at the house with his wife, instead of sleeping at the store?

A.--Yes sir, he gave other reasons. Said^d his carnal capacities was such that he could not stay where a woman was."

Q.--Did he tell you on this occasion any reason that he had for not wanting to live with his wife?

A.--No sir, nothing only what I have told you.

~~Q.XXXEYXWXXXXXXXXfrashingxvnuurkmemorxyxdtidxhaxnckxtatixvnuuonxthix
xxxxxionxkxkxkxMxyxxaxxmxkxkxhxxWmmamxx~~

Q.--Did you ever attempt on any occasion to effect a reconciliation between your daughter and Mr. Neff; if so, tell when and where it was and what was said?

A.--I did. About the first day of September, at the sale at Mrs. Pitt's. My daughter told me when I went to start "if I saw Willie thzzz to tell him that^f he was not aiming to reconcile the matter between her and him to ask him if he was willing for her to have her things." I told him what she directed me to tell him, and he told me she could have her things, and for me to go down there and if he was not there to tell his clerk, as he had the keys to the house, to let me have the things. That ended that conversation.

Q.--Have you ever had any other conveyrsation with Mr. Neff with regard to himself and wife, tell when and where it was and what was said?

A.--I had another conversation with him about the first of October, probably the first week in October. I started down there, and had a team to go down there with me, and I went on down to Mr. Stewart Neff's, and I saw Willie's horse hitched up there to the fence. I called and Mrs. Stewart Neff came to the door, and I asked her if Willie Neff was there, and told her I wished she would tell him to come to the door. He came to the door and I told him that I had started down to his place. He replied that he had stoppod there to warm his feet and that as soon as he warmed his feet, he was going on down. I sat there on my horse and waited a few momoents for him, and he came out and got on his horse, and after riding off a few steps I said to

him: " Mary wanted me to go down and see about getting her things". If you are not aiming to reconcile that matter she says she wants her things brought home." He says to me: "You can go on down and get them." I had told him I had a wagon coming on. We rode on then together and we talked some few words in reference to the difference between them, and when we got nearly in sight of the store we met up with a couple of men, I don't remember who they were, and one of them called to Willie and I rode on down to the store and got down and went in ^{in a little while} and Willie came in, and probably some half hour or three quarters afterwards the wagon came. When the wagon drove up, I said "Now, Willie if you want Mary to have her things, now the wagon has come", and he said: "I don't know what Mary has got, you got out there and get everything she brought here". I went out there and began to gather up the things and fix to load them, took the bed, which was setting up in the back room down, and brought it out to load it, and fixed to load the things. I gathered up as near everything that I could find that I knew to be hers as he directed me, and loaded them up, and during that time there was some bacon--I don't know where he got it, only what he said--he had up in the store house loft. Anyhow he had brought the bacon and laid it in the north door of the store house or on the steps. He came out to the house where I was loading the things and said there was some bacon out there, and I told him that we could not take the bacon, that we had all we could put in the wagon and could not take it. He urged that I should take it, and I went out there and asked him if he could handle it and he said he could, and I told him to give me something for it that I could handle as I could not take the meat. He took the meat and weighed it and let me have coffee for it. That ended that matter, and I went on back to the house where Mr. Baker was finishing loading up the things at the house, got the things all loaded up and told Mr. Baker to drive out, and then I said to Willie: "Willie, if you take a notion or have any desires to try to reconcile this matter between you and Mary, you are welcome to come to my house any time you desire to. He replied to me "She is not the woman I want."

That I believe is the last conversation we ever had in regard to the matter in any way.

Q.--Were there any of Mrs. Neff's household goods and effects packed or boxed and nailed up preparatory to moving when you went after her things as stated above?

A.--No sir, I did not see anything of that kind.

Q.--Where were her dishes?

A.--They were in a safe.

Q.--You stated above that when you went for your daughter's household goods that Mr. Neff told you Mary was not the woman he wanted. Did you tell Mary about this language?

A.--Yes sir.

CROSS-EXAMINATION.

The further taking of these depositions is adjourned until to-morrow morning at 9 oclock, at the same place. This June 16th, 1903.

L. T. Hyatt.

Commissioner in Chancery.

Met pursuant to adjournment at the office of L. T. Hyatt, in the town of Jonesville, Virginia, on the 17th day of June, 1903,

L. T. Hyatt

Commissioner in Chancery.

Presnt:--R. L. Pennington, ~~XXXXXXXXXXXX~~ and J. C. Nowl, of counsel for the defendant.

C. T. Duncan and Geo. P. Cridlin, of counsel for plffs.

Q.--Where has the defendant, Mary E. Neff, resided since the 13th day of August, 1899?

A.--At my house.

Q.--During that time, has she ever returned, or even made a visit to, her husband's home?

A.--No sir.

Q.--How soon after the 13th day of August, 1899, did she send for

her individual property², at the home of her husband?

Ans.--About the first week in October, is my recollection.

Q.--During the time they have been separated and until after this suit was brought, did she ever at any time write to her husband, seeking a reconciliation with him, or for any other purpose?

A.--I don't know that she wrote, or that she did not; if she did, I ~~x~~never heard of it.

Q. --During the time they have been ~~s~~eparated have you done any act to effect or bring about a reconciliation between them?

A.--Yes sir.

Q.--Now please state the act done by you, and the time it was done, to effect, or bring about, said reconciliation?

A.--The evening that Will left there, about the 15th of August is my best recollection, I went down, followed him down to the gate--the horses were hitched inside--and urged on him to stay all night and see if we could not make a reconciliation. And he said he could not stay, and rode off.

On the 14th, the next day, is my best recollection, I went down to Mr. Neff's store. When I went down I did not see anything of Mr. Neff. He came in the store, or came down stairs--I won't say where from--and he was there in the store some little time, may be some fifteen or twenty minutes, and I told him I wanted a pprivate conversation with him. We walked out about 25 or 30 yards from the store to the stock scales. We set down in the shade of the scales. And Mr. Neff spoke something about "Did May come down with me". That part of the conversation took place as we walked out there. I said to him: "No, she told me to tell you whenever you were willing to treat her right to come after her." Then the conversation come up about the difference betwixt Willie and Mary in reference to the treatment and staying with her. In that conversation there was spoken of about the the difficulty they got in about some irons, and Willie said he acted a little hasty in way ~~h~~etreated her about the irons, and that he ought to have let her used them and when she sent them home told her he did

not want her to borrow any more. I said to him: "That it had always been the custom at our house to borrow or lend such things as belonged to the women folks", and he said: "I did not want her to borrow" I said: "I don't suppose she thought anything wrong in going and getting the irons without saying anything to you about it." Then I believe about the next thing that come up in reference to the treatment was in reference to him telling her that he had arrangements for some women to meet him at the store. He admitted that he done wrong in doing that. I then said: "In reference with her, you ought to stay at the house with her, and have your own bed room" He just replied to me: "I am afraid to stay at the house on account ~~my~~ ^{of} his keys, ^{that} he slept up in the store-house loft for the protection of his keys". I said: "Willie that is not reasonable, you leave your keys with Mary when you go off". Then he said: "My capacities is such that I can't stay where a woman is". I believe that is all the language used that I remember.

Then at or about the first of September, at Mrs. Pitts' sale I named it to Willie in relation of Mary something about her furniture. I said to him: "Mary told me that if you are not aiming to reconcile that matter, or wish to do it, she would like to have her things". He told me to tell her that if she wanted them to send me down there and get the things, said I knew what she had there and he wanted her to have everything she had there, and if he was not there to tell his clerk to let me have the things, that he had the keys. I said: ~~aaaa~~ "Now, Willie, if you desire or want to reconcile this matter between you and Mary, you are welcome to come to my house". That ended that conversation.

Now I think--my best recollection is--it was about the first week in October following, I started down after Mary's things, and I went on down to Mr. Stewart Neff's, and I saw Willie's horse hitched up there, and called and Mrs. Neff came to the door, and I asked her if Willie Neff was there, and she said he was, and I then told her to tell him to come to the door. He came to the door and I told him I had started down to ~~your~~ ^{his} place, and he said he had stopped there to

warm his feet and that as soon as he warmed his feet he was going down. I told him if he was going, I would wait a little bit on him, and did wait some ten or fifteen minutes. He came out and got on his horse and we started off down towards his store, and a little piece from the house, and I told him that Mary had sent me down and told me to tell him if he did not aim to reconcile that matter or want to that she wanted her things, and told him that I had a wagon coming on the road, and he said that I could go on down there and get them. We rode on down and talked something about the difference between him and Mary, I don't remember what all was said, but he said he regretted very much what had happened. We rode on and talked about other matters. Then there was nothing more said until after we got down the his place and I had loaded her things, that is, in regard to the difficulties between them. After I had gotten the stuff loaded and was ready to start, I told Willie that if he wanted to reconcile this matter, you are welcome to come to my house at any time, I will give you an invitation to come at any time.

Q.--Are these all the acts that you ever did towards effecting a reconciliation between these parties?

A.--Yes, up to the time the suit was brought.

Q.--Did you never at any time tell Mr. Neff or tell Mary that they were acting foolishly, and that they should reconcile their differences, and get back together, or say anything else to them of like import?

Obj.--The foregoing question is objected to, because immaterial, nothing that this witness may have failed to do towards bring about a reconciliation can in any way affect the rights of the parties to this suit. And further because it was not ~~the~~ duty of Mr. Munsey to allege foolishness on the part either of Mr. or Mrs. Neff.

J. C. Nowl and R. L. Pennington for defendant

A.--I don't recollect that ever I used any such language as that. But I have told both of them that they ought to reconcile their differences.

Q.--When did you tell Mr. Neff that they ought to reconcile their

differences?

A.--Why, during these conversations.

Q.--Which one of these conversations?

A.--I think I named it in every conversation.

Q.--Then why did you not tell, in answer to the question propounded to you a little while ago, when I asked you ^{what} acts you had done towards effecting a reconciliation, that you had told these parties that they ought to be reconciled to each other?

A.--The way I understood the question I thought you wanted to know what I had done at the direction of Mary, --not what I, myself, had said.

Q.--Didn't you understand this question, which I propounded to you a little while ago, "During the time they have been separated, have you done any act to effect or bring about a reconciliation between them?" to which you answered "Yes, sir."

A.--No sir, I did not understand it that way; I understood it rather in the sense of my acting rather as the agent for her.

Q.--Did the question which I asked you say one single word about agency?

Obj.--The foregoing question is objected to, because the question is written in the deposition and shows for itself what the wording of it was, and it is not incumbent upon the witness to quote the question, or any part thereof, in his answer.

J. C. Noel and E. L. Pennington for defendant.

A.--No sir, it did not say anything about agency.

Q.--What word or expression was used in that question that suggested to your mind "agency" in the matter?

A.--That is the way I understood it. I understood the question to mean what I had done at her direction.

Q.--Was there any word used in that question that suggested agency, and if you say there was, point it out, tell what word it was?

A.--There was no particular word, but that was the way I understood it. I thought you had reference to the conversations I spoke of in my deposition on yesterday.

Q. --In all ^{of} these conversations, to which you testify as having been had by you with Mr. Neff, were you acting as the agent of Mrs. Neff? And was all you said to him, as her agent, or was part of it your own individual acts for yourself?

Obj. --The foregoing question is objected to as a part of the cross-examination of this witness, because it is nowhere stated in his examination in chief that he had ever been authorized by Mrs. Neff to act as her agent with power to bind her; and further because as to whether one is an agent such question is a matter of law, and the witness ought to have been asked first whether he had had agreement with reference to acting as her agent and a statement of what that agreement ^{was}, so that the court might know as a matter of law whether he was an agent, technically speaking, or not an agent.

R. L. Pennington, for defendants.

A. --Part of it was my individual acts.

Q. --Please state what part of it was your individual acts?

A. --Well the first part of it, that is, when I had the conversation with him the day he left her at my house; and the conversation at the stock scales as to how they were living and getting along. After I told him at Mrs. Fitts' sale what she told me to tell him, then I invited him to come to my house, and that he was welcome to come. After I got the things loaded-the last conversation I had with him-- I told him to come up.

Q. --Was all the balance, except what you have just embodied in your last answer, done and said by you as her agent, or by her authority?

A. --Yes sir.

Q. --Now, is everything which you did and said to Mr. Neff, as detailed by you in answer to questions above, all you ever did in the matter as her agent prior to the time of the institution of this suit?

A. --Yes sir, that is all I remember. I think that is all I ever done.

Q. --Have you detailed in your answers to former questions all that you ever did upon your own responsibility towards effecting a

reconciliation between them? I mean before the institution of this suit?

A.--That is all I did on Willie's part; I talked to Mary about it.

Q.--Since the institution of the suit, have you not been acting as the agent and assistant of your daughter, Mrs. Neff, ?

A.--Well, I reckon you might say I have; I have been assisting her in getting counsel and so on.

Q.--Has not the principal object of yourself and Mrs. Neff been, since the institution of this suit, to extract money from Mr. Neff?

A.--No sir.

Q.--And for that purpose, at the beginning of this suit, did you not make and file an affidavit stating Mr. Neff's worth, or property to be worth, over \$3000.00, and that he had an income amount^{ing} to over six hundred dollars, or words to that effect?

Obj.--The foregoing question is objected to so far as it pertains to the affidavit, because the same is in writing, and one of the papers in this suit, and shows upon its face what it is, and it is the best evidence of what it contains ?

A.--No sir, I did not.

R. L. Pennington, for deft.

Q.--Then what was its purpose, if not to get money from him?

Obj.--The witness has been asked if his principal object has not been to extract money from Mr. Neff. The witness has answered that was not his object. And the foregoing question is certainly misleading and very liable to be misunderstood by the witness. It is certainly true, as shown by the proceedings in the case, that the object of the affidavit and the motion made upon that affidavit, was to require the plaintiff in this case to furnish his wife, money with which to pay attorneys, in other words suit money.

R. L. Pennington, for deft.

A.--The purpose was that she should have suit money.

Q.--Why did you make, in that affidavit, the value of his property so much, and the amount of his income so large if the only object was to get money with which to carry on her suit.

Obj. --The foregoing question is objected ^{to} because it is presumed that the witness, in making the affidavit referred to, stated the facts with reference to the value of the plaintiff's property, as he understood them; and the question is further objected to because counsel for the plaintiff has assumed inferentially that ~~xxx~~ ~~xxxxxx~~ the witness has made a false affidavit.

R. L. Pennington, for deft.

A. --I just made that affidavit upon information.

Q. --From whom did you obtain the information that Mr. Neff had an income of \$600.00?

A. --I was talking with Mr. Pennington, who said he had had some business with ^{him} and he said he thought his income was probably six hundred dollars. When Mr. Neff and myself would have conversations about his business, he would claim that his income was about the same. My information was that he had three and one-half shares in his father's land, which is worth something like \$2000.00, and that he had the land paid for. I am well acquainted with the land and consider \$2000.00 a reasonable price for it. I had information that he had a store worth from \$1000.00 to \$1500.00 ~~ollars~~, and that he claimed it was paid for.

Q. --When and where did W. E. Neff tell you that his income was \$600.00?

A. --He told me when he was doing business down at Douglas, at his store there. This was after he was married.

Q. --Who informed you that Mr. Neff's land was all ⁴/₅ paid for?

A. --Mr. Pennington there said he was doing business for him and that Willie claimed his land was paid for.

Q. --Who informed you that Mr. Neff's stock of goods were paid for, or that he claimed they were paid for?

A. --C. C. Blankenship, Sr.

Q. --When and where did Mr. Blankenship give you that information?

A. --About Last October or first of November, after the suit was brought.

Q. --~~Where?dx~~ Where?~~dx~~

A. --In the town of Jonesville.

Q. --Did you make any efforts to find out whether Mr. Neff owed anything, or not? If you state you did, tell what effort you made, and with whom?

A. --I did not particularly only talking in reference to his property and its being paid for. I only asked Mr. Blankenship about the matter, and he said Mr. Neff had gotten him to stand in the store there a few days, and that he told him his goods were all paid for.

Q. --At your house, on the 13th day of August, 1899, state if Mrs. Neff based her refusal to return home with Mr. Neff on any other grounds than with reference to the milking of the cow, and his refusal to stay at the house with her at nights?

A. --The milking of the cow was not in the question of her returning. Her refusal ^{was} in relation to staying at the house alone and the respect he treated her in personal matters.

Q. --What was her complaint there on that day to him of his personal treatment? Please give the exact language which your daughter ~~was~~ used when she made the complaint of personal treatment?

A. --I think she used this language "When he would stay with her and quit talking about her." I think that is all she said to him, and then he said to her "I have got that boy to stay with you".

Q. --Did she charge him with any particular thing that he had said about her? If so, what was it?

A. --No sir, she did not.

Q. --Did not Mr. Neff propose to Mary on that occasion that he would leave the horse for her to come home on?

A. --No sir, he did not propose it to Mary.

Q. --You state in your direct examination that you said to Willie "No, if you go, take the horse with you, and if Mary wants to come in the morning when I come after the cow, I will bring her." Next morning when you started after the cow, did she want to go or not?

A. --No, she never said nothing to me about going.

Q. --Did you say anything to her about going?

A.--I don't know that I said anything to her about going; I just asked her what she wanted to do about it.

Q.--In any of the conversations which you and Mr. Neff had, ^{detailed by you above} prior to the institution of the suit, did he not tell you that ^{Mary} ~~his wife~~ refused to be a wife to him, and that he could not sleep in the room with her unless she would be, or any words to that effect?

Obj.--The foregoing question, and any answer thereto, is objected to unless said in the presence of Mrs. Neff, because only self-serving on the part of Mr. Neff, and could not affect the rights of the defendant in this case unless brought home to her, and she admitted the truthfulness of the charge, or unless the specific conversation, ~~in~~ ⁱⁿ which said language was used is specifically pointed out.

J. C. Noel, for deft.

A.--No sir, he never.

Q.--Did he not give as one of the reasons for not sleeping at the house that she would not be a wife to him?

Ans.--No sir.

Q.--Did he not in some of those conversations, intimate that to you?

A.--Probably he might in reference to children; I don't know whether he meant it that way or not.

Q.--Since the institution of this suit and since the plaintiff together with his counsel and the defendant's counsel have been ^{to} ~~attempting~~ to effect a reconciliation between Mr. Neff and his wife, have you not opposed a reconciliation?

Objected to because immaterial.

R. L. Pennington.

A.--No sir.

Q.--On one occasion, in the law office of C. T. Duncan here in Jonesville, in the presence of B. H. Sewell, Geo. Cridlin, R. L. Pennington, W. E. Neff and myself, did you not state that if they did go back together and should thereafter part that you would not take her back to your house to dwell, or words to that effect?

A.--I said that on that occasion, and had ^{reference} ~~reference~~ that after I had heard of some slanderous reports that he had talked about her and that

I told her , if she went back under them reports and they disagreed she could not come back home with me, and I said "I don't aim to give you anything under them circumstances".

Q.--And did you not say in the same conversation and in presence of the same parties that if Mary went back to him, she would go on her own responsibility and without your consent, or words to that effect?

A.--I said if she went back she would go on her own responsibility and without my advice. You urged me to give my consent, and I told you I could not do it under those circumstances. Afterwards she urged to go back, and I told her if she wated to go back that she could do so and I would treat her the same as I had always done. And she answered Mr. Neff's request to come and see her, and he came.

Q.--You say in answer to the question last propounded that she urged to go back to Mr. Neff. Then what prevented her going?

A.--I could not tell you, sir. I did not hear any conversation between her and Mr. Neff.

Obj.--All matters referred to by the witness, or inquired of, by attorney by the plaintiff with reference to any matter of settlement of this suit after the same was instituted are each objected to as incompetent and inadmissible.

R. L. Pennington, for ~~daft~~.

Q.--You state in answer to a question, or rather two questions propounded to you a little while ago, ~~xxxxxxx~~ that he probably might have said something in reference to children. Now please state what it was he said in reference to children in connection with his wife.

A.--In the conversation in which he told me that she was not the woman he wanted, he also said: "I want children, and she don't want any". "Dan Ball had just such a woman, and he went off and got a divorce, and came back and married and is now raising a family and living happy".

Q.--Is that the only time he ever said, or intimated to you that Mary would not be a wife to him?

A.--Yes sir, it is the only time he ever intimated it to me.

Q.--In answer to another question which I propounded to you a little while ago, you said something about something you had said or don

after you had heard ~~that~~ some slanderous reports that he (Neff) had talked about her, (meaning his wife.) What were those slanderous *reports*

A.--At January court I was here, and me and Judge Duncan had a little talk about a reconciliation, and I told him I was willing; and that evening as I went on home I got information of these slanderous reports. I went to see the person~~s~~ that I got information knew the reports, and asked him if Willie Neff had any conversation to him concerning his wife, and he said that he had, said that Willie Neff called there at his house and said we had not treated him right, and his wife had not treated him right, and that she was no more to him than any other man. The man told me that Neff had said to him that she would not be a wife and that he ~~just~~ had to use his fist or he would die.

Q.--Didn't you on ~~the~~^{that} day, in my office, that we have been talking about, did not Mr. Neff solemnly declare in the presence of all the persons that I have named that he never had used any such language, as any part of that ^{related} above by you.

A.--My recollection is this: Judge Duncan says: "Will, did you have the conversation?" Mr. Neff answered: " If I did, I don't recollect it!" I think that is the language used.

Q.--Why Mr. Munsey, don't you remember that he told you and all of us positively that he never had used any such language, and don't you remember that Mr. Pennigton, who was representing your daughter on that occasion, told you that you ought to be satisfied with Mr. Neff's denial, and take it in preference to the gossip or talk of a negro?

A.-- I can't say that he said it positively. I think he said that he has no recollection of having any such talk. My recollection is that Judge Duncan said that he did not believe it, and that there had been a heap told on Willie that he did not believe was true, and Mr. Pennington replied that he thought there had been a heap told on Willie that was not true, and that he did not believe it. I think this is the way I recollect it.

Q.--Was your informant a white man or a negro?

A.--A white man. It was Dr. McNiel.

I mean it was Dr. McNiel who first gave me information of the report. It was a colored man that told me the language.

Q.--Since last November, has not Wm. E. Neff made every effort that a reasonable person ought to expect to secure a reconciliation with his wife, and get her to come back and live with him?

A.--Well, through his counsel it seems that he has, but in person his acts are not that way. Some time in last November she received a letter requesting to reconcile this matter, if I understand the letter. I was present, that is, they come and told me there was a letter brought by Mr. Smith and Mr. Ely. Mary brought the letter to me at the barn. I looked at the letter, and went down to the house where Mr. Ely and Mr. Smith was, and told them that Mary had received a letter from Will, and that letter requested her to give him an answer by the bearer. I told them that Willie had brought suit against her and she would have to answer him through her counsel, and that she would give him an answer at a proper time. I did not think he acted with sincerity when ^{he} come there; his acts seemed to me that he was only seeking an advantage of her. He came there in person, but I did not think ~~him~~ in a pleasant manner. I happened to be out in the yard and saw him and Mr. Ely coming. As they came up towards the house, I met them, and invited them in the sitting room where the family stayed. My daughter went to go in another room on some business, and without making any request to have anything to say to her or telling her his business he jumped up and started to follow her. She went on in the room and come back out another way. I then got up and went to kindle a fire in the other room. ~~I invited Willie and Mary in the room where~~ I was going to make the fire if they wanted to have a private conversation. That left Willie, Mary and my wife in the room where we were sitting--Mr. Ely ^{and I had taken them into the room where I was} and a Burk boy ^{had gone out} and after a little time I heard Willie on the porch. Willie says: "Mr. Ely, I am ready to go if you are. I got up and opened the door, and just as I stepped out in the porch and Mr. Ely right after me, Willie turned round and says: "Mary, go home with me", and turned off the porch and started off. I called to him and said to Willie: "This is not the time to go, she

she can go up to town with you, and her counsel and your counsel can reconcile this matter and get the case out of court, and then will be the time for her to go home with you". He then turned back and says: "This is my suit, and I can take it out of court whenever I want to". I then said to him: "That would throw all the slur on her character, to dismiss the suit that way, and if you want to reconcile this matter I will take her to town and the lawyers can get up an agreement and settlement of the matter and reconcile it", and the conversation ended at that, and he went off.

He came back in probably two or three weeks, on Sunday--the first visit was on Thursday--and may be this was the Sunday week after that. He and Mary had private conversation pretty much all that day, sitting and talking to themselves. Along in the evening, I went into the room to make them a fire, and they had some conversation in my presence about his affairs such as a house, store &c., and where they should go to if they should become reconciled. He says to her: "I am going over to John Agee's to-night and will be back in the morning for an answer, make up your mind." He came back next morning and Mrs. Burchett came about the same time he did, and we were all sitting around the fire, and Willie opened up a conversation with Mrs. Burchett, and asked her if she had any girls about grown, and she told him she did, and he then asked her if the boys come to see them any, and she replied that she could not give up her girls, that they were too young yet. He said to her that she might have to. She then said to him that she would hate to have to give up one of her girls and know she had been treated as some others had been treated. That opened up a conversation between Mrs. Burchett and Willie in relation to him and his wife. She says to Willie: "Why havn't you come back after Mary before now?" And he replied: "Mr. Munsey was to bring her to me whenever she wanted to come". I then said: "Willie, I told you if she wanted to come down in the morning when I came after the cow, I would bring her, and I went down and told you that she said whenever you were ready to treat her right you could come after her." Willie says: "I have never mistreated her". My wife spoke up then and said: "Willie, I think you

did when you pushed her out of the store house and locked her out. What did you think would become of her". He says: "I knew she would go to the house". Mary then spoke up and says: "I can do different and so can you, and live a different life to what we did." Willie says: "I have got my ways and you can't change them," ~~xxxxxx~~ Then she said again: "You can do different, and so can I". He then says: "You have got ways I don't like, and I have got ways that you don't like". The conversation stopped there and he got up and put on his overshoes and walked out into the porch, and Mary walked to the door or probably on the porch and they had some conversation there together and he reached ^{his hand} to her and says "good bye". She would not give him her hand, and he repeated the offer of his hand and says "good-bye" three or four times. He then turned and went out of the porch and went off, never saying good-bye to any of the family at all.

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Obj. -- So much of the foregoing answer as gives the witnesses' opinion of what he thought about Mr. Neff's sincerity is objected to as being both immaterial and inadmissible.

C. T. Duncan, for plaintiff.

Q. -- In the beginning of your answer to the foregoing question, you state that ~~xxx~~ you think Mr. Neff's counsel did every thing that they could to bring about a reconciliation between Mr. Neff and his wife. Now please state if they did anything at all in the matter that did not have Mr. Neff's sanction and to which his name was not signed?

A. -- I don't know that there was.

Q. -- Now, on that first visit, did Mr. Neff have any private conversation with his wife?

A. -- I did not hear any conversation, but they were standing out privately on the porch by themselves.

Q. -- How long were they out there privately together?

A. -- I could not say; I did not see when they went out there. I will say that it was from a half to three-quarters of an hour from the time I went to build the fire, till I heard him call to Mr. Ely that he was ready to go.

Q.--Has not Mary made, as a pre-requisite of any reconciliation, a demand in some shape or other for money, or a promise to pay money?

A.--She has never made any demand for money. She ~~demanded~~ requested him in case that he should refuse to live with her and desert her, it being his fault, that he should allow her an annual allowance for her maintenance.

Q.--Did she not make this demand in the shape of a written contract in which she made a demand of \$150.00 per annum in the event that they should afterwards part through the fault of Mr. Neff, and that that should constitute a lien on his property?

A.--I file the written proposition, as exhibit "A" with my depositions which speaks for itself, but can not say whether it was made by her or by her counsel, but on thinking over the matter my best impression is that it was a proposition presented by Mr. Pennington. It was probable a memorandum embodying the wishes of the defendant.

The further taking of this deposition is adjourned until to-morrow morning at 9 o'clock, at the same place.

L. T. Hyatt

Commissioner, in Chy.

Met pursuant to adjournment at the office of L. T. Hyatt, in Jonesville, Virginia, on the 18th day of June, 1903.

L. T. Hyatt

Commissioner in Chancery.

Present:--R. L. Pennington, of counsel for deft.

C. T. Duncan, R. H. Sewell and Geo. F. Cridlin, ~~xx~~ counsel
for plaintiff.

The further cross-examination of the witness James J. Munsey is deferred for the present:

D. L. Bacon, another witness, being first duly sworn, deposes as follows:

Q. 1.--State your age, residence and occupation ?

A.--I am 30 years of age, reside near Ann, Lee County, Virginia, and am a farmer.

Q.--How long have you been acquainted with W.E. Neff and his wife?

A.--I have known Mr. Neff a long, but never knew his wife till after they were married.

Q.--Did you hear of the separation of Mr. Neff and his wife, something near four years ago?

A.--I heard of the separation about the time that it occurred, but don't remember how long ago it was.

Q.--Shortly after you hear of said separation, did you have a talk with Mr. Neff about the matter; and if you answer you did, state whether or not he said anything about living with his wife any more, and in making your statement use as nearly as you can the language which Mr. Neff used to you?

A.--We have had conversations at different times since their separation. I guess two or three weeks, or may be longer, after the separation, he said : "I won't say that I never will live with her any more, but I won't unless my mind changes." He went on to say that his father had taught him a lesson along that line, or in substance to that effect, that his father said "That he never would have a certain Doctor to attend his family any more, and on that very night his mother got sick and had to call that Doctor to see her that night", and that had learned him not to say he wouldn't do anything. This is as near as I can tell what he said about it.

CROSS-EXAMINATION.

Q. 1.--Did this conversation occur after or before Mr. Munsey came after Mrs. Neff's things?

A.--I don't remember.

Q.--What led up to this conversation between you and Mr. Neff?

A.--I don't know; I was there at the store a good deal, and he

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and I talked a good deal. I can't say just what brought up the conversation.

Q.--By way of refreshing your memory, was he not telling you about going up home with her on that Sunday and her refusal to return with him, and that he had to lead the horse home &c.? And was it not in that connection that he stated that his mind would have to change if he lived with her again?

A.--I would not say for certain, but it bears on my mind that it was--I think it was.

Q.--And in the same conversation did he not tell you that she refused to be a wife to him?

A.--He told me that different times; I could not say whether it was in that conversation or not.

~~Qxxx~~ And further witness aith not.

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J. L. Bacon

J. F. W. Sadler, another witness being first duly sworn, deposes as follows:

Q.--State your age, residence and present official position in Lee County?

A.--Am 73 years of age; reside on Wallens's creek, in this county, near Van, P.O., and am a farmer, by occupation. I am a Justice of the Peace.

Q.--How long have you known Wm. N. (commonly called Dock) Burchett?

A.--From the time he was a boy?

Q.--Are you acquainted with the people in the neighborhood where he has formerly lived?

A.--I am.

Q.--Are you acquainted with the general reputation in that neighborhood which said Burchett has for truth and veracity?

A.--Yes sir, I think I am somewaht?

A.--It is bad.

Q.--How long has it been bad?

A.--Well, it has been bad in that neighborhood for several years.

Q.--Judging him from the reputation that he has in that neighborhood would you give him full faith and credit on oath?

A.--I would not.

CROSS-EXAMINATION

Q.--How many persons have you ever heard speak of Dock Burchett for truth and veracity?

A.--Well, sir, that is a question I can't answer. I have heard several persons speak of his being a liar.

Q.--Who were they?

A.--I don't recollect sir. I can't designate; I didn't make a note of it.

Q.--Don't you recollect a single person whom you have heard speak of his being a liar?

A.--Yes, I recollect one. I heard my son John H. Sadler say that he believed he would swear a lie.

Q.--Is that all the one that you can name?

A.--I don't know whether I can or not, I might name some, but I might be mistaken. There about the store I have heard it talked a good deal, and have heard him spoken of as the boss liar, his name is used there as a synonym for liar.

Q.--When did you hear your son, John Henry say he would not believe Dock on oath?

A.--I heard him say so last night.

Q.--What was the occasion of his speaking of it last night.

A.--He had read over Dock's deposition, and he said from the reading of the deposition, that he believed that Dock has sworn a lie.

Q.--He told you this after he had been a witness and had testified that Dock's reputation was bad, did he not.

A.--Yes, he had been a witness here, but I don't know what he testified.

Q.--How many people is there that lives in the neighborhood where you and Dock Burchett lived, taking a radius around of three miles?

A.--Well sir, I can't tell you unless I could take some time and study about the matter, but I would suppose that there at least fifty persons in a radius of three miles, may be, more than that.

Q.--And yet out of fifty or more in that neighborhood, your son John Henry is the only one that you can now name that you ever heard speak of Dock Burchett's reputation for truth and veracity?

A.--Well, now here, I want to explain that. He is all the one that I can recollect and designate distinctly, but I have heard several speak, but I am not positive just who.

And further witness saith not.

Wit. claims one day 50¢.

J. H. W. Sadler

Wm. B. Short, another witness being duly sworn, deposes as follows:

Q.--State your age, residence and occupation?

A.--I am 38 years of age, reside near Longfield, in Lee County, Virginia, and am a farmer, and am a Constable.

Q.--Are you acquainted with Wm. N. (commonly called Dock) Burchett, and with the people of the neighborhood in which he formerly resided?

A.--I am.

Q.--Are you acquainted with the general reputation of the said Burchett among those people in that neighborhood? for truth and veracity?

A.--I am.

Q.--Is that reputation good or bad?

A.--It is not good.

Q.--Judging him by that reputation, would you give him full faith and credit on oath?

A.--No sir.

CROSS-EXAMINATION.

Q.--Who have you heard discuss the reputation of Dock Burchett for truth and veracity?

A.--Ed Burchett and Will Burchett and Tim Barrett, and lots of others that I can't name now.

5-

Q.--When did you hear these parties discuss his character for truth and veracity?

A.--I have heard them talk about him for the last four or five or six years.

Q.--What was the occasion, or what gave rise to Ed. Burchett, for discussing this man's reputation for truth five or six years ago?

A.--He swore a lie against me, and me and the Burchett boys were talking about it.

Q.--When did he swear that lie against you?

A.--It has been about ten years ago.

Q.--In what case or trial was that that he swore a lie against you.

A.--When I came to this country, I had had some trouble back in ~~xxxx~~Kentucky. He betrayed me, and got afraid that I would do something or other to him, I reckon, and swore that I shot at him on a certain day and got a warrant and put it in the hands of these Burchett boys, and that is how come us to have a conversation about this. They said they had found out that he had told a lie, and told him they would beat him to death if he ever done such a thing again, is about what they told me.

Q.--Since Dock betrayed you, as stated above by you, you have not liked him very well have you?

A.--No, I have not liked him much since, but I can forgive him if his God can.

~~Qxxx~~ RE-Examination.

Q.--Does the fact that you have not liked Dock Burchett very well influence you in the least in the testimony you have been giving in this case?

A.--No sir.

And further witness saith not.

1 day 50¢

W B Short

Wm Young claims one day 50¢ - summoned, but not used.

M. G. Slagle, another witness, being first duly sworn, deposes as follows:

Ques.- State you age, residence and occupation?

A.--I am 30 years of age; live in Rocky Station, in Lee County, Virginia; and am a farmer.

Q.--State whether or not you are acquainted with W.E.Neff?

A.--Yes, I am acquainted with him.

Q.--At the Jonesville camp-ground last year, about the last of August or first of September, state whether or not you saw Mr. Neff with some young women, at or near the spring; and if you state that you did, state whether or not he purchased anything from a pedlar and gave to either of the young women?

Obj.--The foregoing question and any answer thereto is objected to (1) because it is irrelevant and immaterial, (2) because the transaction of the buying of said bracelet was admitted by Mr. Neff, and fully explained by him to Mrs.Neff, her attorney, and her father and agent and by D.S.Ely, showing that said transaction was perfectly innocent and a matter of accommodation to the two young ladies, and the only tendency of this question and the answer to it will be to cast a reflection upon two young ladies in no way connected with this suit, and will call upon them for an explanation of the occurrence.

C. T. Duncan and B. H. Sewell, for deft.

A.--I saw Mr. Neff there at the camp-ground with some young ladies in fact a crowd of people--I did not know the young ladies. I did not see him come there with them or go off with them. There were some padlars, and Mr. Neff and the two young ladies were looking at some bracelets and over the goods. They bought some bracelets, and Will and the girl were trying to put on one and broke it, and when they broke that one, the pedlar got up and said he could put it on and he did put one on. Will handed the pedlar the money for the bracelet.

Q --State whether or not the young women, or either of them, was as convenient to the pedlar as to Mr. Neff, for the purpose of paying for the bracelet?

A.--I think they were, Mr. Neff and the girls were all right

along together in front of the pedlar and near to him and his goods.

CROSS-EXAMINATION.

Q.--Do you remember, Mr. Slagle, how many bracelets, or pairs of bracelets, Mr. Neff bought on that occasion?

A.--No, I don't remember.

Q.--You state that there was a crowd of people there. Was it a small crowd, or was it a pretty large one?

A.--There was a right smart crowd gather around there.

And further witness saith not.

Wit claims two days \$1.00 Mr. G. Slagle :

The deposition of J. J. Munsey, being resumed:

Q.--Has the defendant, Mary Neff, ever made or submitted any proposition of reconciliation to her husband, that has not been based upon, or accompanied by, some demand for money, or money settlement; or has she ever signified, since the institution of this suit either by herself, through her counsel, or through you, that she would agree to a reconciliation that was not based either on money, or an agreement to pay money in the future; If so, when and what was the proposition?

A.--I don't know that she ever has.

Q.--On or about the last May term of the county court of this county, did not Mary Neff, either by herself, or through you acting for her, direct her attorneys, or some of them, to propose to Mr. Neff or his attorneys that if he (Neff) would pay her \$350.00 or \$300.00, that she would withdraw her opposition and he could have a divorce, or words to that effect?

Obj.--The foregoing question is objected to because the plaintiff's attorney assumes that Mrs. Neff has taken the position of resisting a divorce, whereas the answer of Mrs. Neff in this case expressly says that she is willing for him to have a divorce, and expressly prays for a divorce herself.

R. L. Pennington, for deff

I don't think that ever I did, not that I have any recollection. I will state that Judge Pennington said something to me that Judge Duncan has been talking to him in reference to something of that kind. And I told him I could not give him an answer, but if they wanted to make any proposition of a compromise that I would go home and see Mary and see what she said about it, and come back the next day and see if they could make any compromise.

Q.--When you came back next day, didn't you have that proposition embodied in the question above submitted to Mr. Neff as the proposition of your daughter, Mrs. Neff?

A.--No sir, I did not.

Q.--And did you not receive in reply to that proposition, through

Mrs. Neff's counsel, that Mr. Neff would pay her \$300.00 to live with him as his wife?

A.--I received it in this way from her counsel, that he had gone back on the proposition that you said you advise, but he would pay her \$300.00 to live with him. I went home and saw her, and she said she did not propose to sell herself to him for \$300.00, but if he wanted to reconcile that matter and give her insurance that ~~xx~~ if he did not live with her that he should allow her something for her maintenance, that she did not want his money.

Q.--How much of her bacon did you sell Mr. Neff when you went to get her things as you have testified to heretofore ?

A.--I do not know how much by weight; I believe there were two pieces, probably one of them was cut on.

Q.--How much did it come to?

A.--I can't tell you, for I do not recollect now. Mr. Neff weighed it and paid me in coffee, and weighed the coffee. There might have been ~~quixy~~ pounds of the bacon; I give that as a sort of an estimate.

Q.--On page 20 of your deposition in chief and on page 24 of your cross-examination, you say that Mr. Neff said his carnal capacities was such that she could not stay where a woman was. Was that all he said about it?

A.--He said that in reply to me in a conversation we had. That is all he said in that reply in that respect.

Q.-- Now, is this not what he said: "Mary would not be a wife to me, and ~~xxxxxxxxxxxxxxxxxxxx~~ I am not a wooden man, and I can not stay with a woman in the same room with her under those kind of circumstances, or words to that effect. And did you not reply that you would have nothing to do with his and his wife's little secrets, or words to that effect?

A.--No sir, that is not what he said, and I did not make any such reply.

Q.--Where did that conversation occur?

A.--At the time we were sitting out there at the stock scales.

Q.--I now show you copy of letter dated Feb. 2nd, 1903., and proposition of compromise agreement dated the same day accompanying said letter, each filed with the deposition of D.S. Ely and marked "9", and ask you if you carried and delivered to Mrs. Neff the letter and compromise agreement, of which these are copies?

A.--I did.

Q.--In your statement a few minutes ago that Judge Pennington said that I had been talking to him and suggested a proposition contained in the question which I had propounded you or words to that effect. Now are you not mistaken as to what Judge Pennington told you? Did he not tell you that he had submitted that proposition to me, and that I would submit it to Mr. Neff?

A.--I don't think it was that way. I think he said him and Judge Duncan had been talking in reference to that, and he said that Judge Duncan said he would advise Willie to do that, and he asked me if I thought Mary would do it, and I told him I could not tell.

Q.--What did she say when you submitted the proposition?

A.--She told me to come up here and for me and her counsel to act for her, and that whatever we did she would agree to.

RE-DIRECT-EXAMINATION.

Q.--On page 43 of your deposition, you were asked if Mary Neff had ever submitted any proposition of reconciliation to her husband that was not accompanied with some demand for money, to which you replied: "I do not know that she ever has". Have not all these propositions in regard to a provision for money been made upon the condition and collectable only in case of a future separation resulting from the fault of Mr. Neff?

A.-- Yes sir, that is the way there were made.

Q.--Has your daughter any estate of her own?

A.--She has a little household goods and a little ^{money} that I gave her, about \$140.00 in money.

Q.--Did you call on Mr. Neff for the bacon referred to in your deposition or did Mr. Neff voluntarily bring it out to you and ask you to take it?

Obj.--The foregoing ~~objection~~ question is objected to because the witness has already given his version of the bacon matter and has fully explained the same.

C. T. Duncan, for plff.

A.--He voluntarily brought it out and asked me to take it.

RE-CROSS-EXAMINATION.

Q.--You called on him for all her property, did you not?

A --Well, then, did you call on him for only a part of it; and if so, what part?

A.--I did not mention any part, just said to him that she wanted her things if he was not going to reconcile this matter, and that is all I said to him.

Q.--Did you mean all her things, or just part?

A.--I did not mean anything only just what he put out; I did not want anything myself of him.

Q.--Did she tell you to get all her things or just a part of them?

A.--She never told me.

Q.--Well, then please state what she did tell you, and what you told Mr. Neff.

A.--She told me to go down and see if Willie would let her have her things if he was not willing to reconcile the matter she would like to have them. I think I used the same words to him.

Q.--There is one question I forgot on cross-examination which I desire to ask now. What was the age of Mary E. Neff in 1899, and state about what was her weight?

A.--My recollection is now that she was 24, and her weight I would suppose was about 125 or 130 pounds.

And further witness saith not.

James J. Murray

Thos. S. Ely, a witness, being first duly sworn, says:

Q.--State your age, residence and occupation?

A.--I am 66 years old, am a farmer, and reside about six miles west of Jonesville.

Q. (-Are you acquainted with the lands owned by Jefferson Neff at his death, and which are now owned by W. E. Neff and H. C. Anderson and wife?

A.--I am tolerably well acquainted with the land.

Q.--What is said land reasonably worth as a whole?

Obj.--The foregoing question is objected to because irrelevant and immaterial, and not in accordance with any known rule of evidence on that question.

C. T. Duncan and B. H. Sewell and G. P. Cridlin, for ~~pl~~ff.

A.--About \$5000.00, I think.

CROSS-EXAMINATION .

Q.--Mr. Ely, do you know how many acres there are in the lands owned by Jefferson Neff at the time of his death?

A.--No sir, I do not.

Q.--Do you know how many heirs Jefferson Neff had?

A.--I think he had six.

Q.--If the shares in said lands of the respective heirs have been selling at \$525.00 per share, would you not regard that as a better evidence of the marketable value of the land than a mere estimate by a man who had no interest in it?

Obj.--The foregoing question is objected to because the witness has not been told at what time and how long ago such sales were made at such price, and because the fact that land may have sold for the price stated is not evidence that that was all that it was worth.

R. L. Pennington, for deft.

A.--No sir, I think not. I had rather have a whole farm than a piece of a one.

Q.--How close do you live to said tract of land?

A.--I suppose not over a mile and a half.

Q.--Have you been over said tract of land since the death of Jefferson Neff, and carefully examined it with a view of ascertaining its value?

A.--No sir.

Q.--Is not that land very badly worn?

A.--The land was under a very good state of improvement, the last time I noticed about it.

Q.--When were you over said tract of land last?

A.--It has been something over a year since I was through the farm.

Q.--How much of it did you go over then?

A.--I just went through it, did not go all over it; you can see pretty much all the cleared land though, by going through it.

And further witness saith not.

wit claims 50¢

Thos S. Eley

The further taking of these depositions is adjourned until tomorrow morning at 9 o'clock, and to the residence of Dr. W. N. McNiel near Longfield, Lee County, Virginia.

L. P. Hyatt

Commissioner in Chancery.

Met pursuant to adjournment at the residence of Dr. W. N. McNiel near Longfield, in Lee County, Va., on the 19th of June, 1908.

L. P. Hyatt

Commissioner in chancery.

Present: R. L. Pennington, attorney for deft.

C. P. Duncan and B. H. Sewell, for plffs.

Mary Ann Warren, another witness, being first duly sworn, deposes as follows:

Q.--State your age, residence and occupation?

A.--I am fifty-eight years of age, reside near Longfield, in Lee County, Virginia, and am the wife of Larken Warren.

Q.--Are you acquainted with Wm.E.Neff; and if so, how long have you known him?

A.--Yes sir, I am acquainted with in, have known him ever since he was a baby.

Q.--Did you ever have a conversation with him in reference to his wife; and if so, please state as near as you can about the time that it occurred and what was said?

A.--Well, as well as I remember now about it, Willie came to our house one night, I guess it was a ~~year or more~~ ^{six months or a year} after they had separated, and he and Johnnie, my son, were joking, and Willie told John that he could have his wife, said that she would not live with him, and said that she was a lady, that he could recommend her as a lady.

Q.--Did you or your son ask Mr. Neff whether or not he loved his wife; and if so, state what you said to him and what he replied

Ans.--Yes sir, I said to him, as well as I remember, if he loved his wife, and he replied, "Not any better than any other woman".

Qxxxx CROSS-EXAMINATION.

Q.--Mrs.Warren, have you told all that you remember that was said by Mr. Neff in the conversation to which you refer?

A.--Yes sir, all that I remember, now.

Q.--By way of refreshing your memory, I will ask you if Mr.Neff did not tell you, in the same conversation, that his wife spit in his face?

A.--I believe he said that. To the best of my recollection, he had that chat.

Q.--I will now ask you if since he had that conversation with

if he did not write to you and ask you to go and see his wife and try to get her to come back and live with him, that he loved her dearly, or words to that effect?

Obj.--The foregoing question and any answer thereto is objected to because such a letter would be only self-serving declarations, and therefore incompetent testimony for the plaintiff, unless the witness shows that such letter and declarations made in said letter was brought home to the defendant was brought home to the defendant in this case.

R.L. Pennington for deft.

A.--As well as I remember, I never read the letter for I can't read, but I heard the letter read and as I remember it said that he wanted to live with his wife, that he thought it was best that he dearly loved her. I think this is what it said. I don't remember the time of this letter, but it was a good while ago.

RE-EXAMINATION.

Q.--Did you ever go to see, or say anything to, Mrs. Neff about the matters contained in this letter?

A.--No sir.

And further witness aith not.

One day 50¢

Mary Ann ^{her} ~~Warren~~
mark

^{W.N. McNeil}
Mrs. ~~Alphaxxxxx~~, another witness, being first duly sworn, deposes as follows:

Q.--State your age, residence, and your husbands name?

A.--I am 64 years of age, reside at Longfield, Va., and my husband is Dr. W.N. McNeil.

Q.--Are you acquainted with Wm. E. Neff, and his wife, Mary E. Neff; and if so, how long have you known them?

A.--I am acquainted with Mrs. Neff, and have been ever since her birth. I am acquainted with Mr. Neff, and have been since we move down here. He was then a little chap, may be 5 years old or more.

Q.--Some time after he and his wife separated, did you have a conversation with him

conversation with him in regard to his wife; and if you state that you did, tell as nearly as you can when it was, and where it was and what was said?

A.--Well, he was talking to me and my daughter, Mrs. Jones, at my house some time after they had separated, while Mr. Neff was selling goods at Ann. As near as I can remember he was telling us about their separation matter, and about his asking for his wife, and what her father said to him when he asked for her. Said that he told him that he was helping his boys, and that at that time he could not help him and Mary, but would help them and make them equal with the boys as soon as it was convenient to him. After Mr. Munsey told him this, he said he studied every way in the world how to go back on her. I remarked to him: "Bill, you ought to have just walked back, and told him that if I had been Mary I would have thanked him to have walked back".

Q.--Who was present when this conversation took place?

A.--No one but my daughter Mrs. Alpha Barrott, now Mrs. Jones?

CROSS-EXAMINATION.

Q.--You don't like Will very much do you?

A.--Well, I have got ~~in~~ no enmity or ill will against him; I would not turn my hand to tear him down.

And further witness aith not.

W. A. McNeil

Mrs. Alpha Jones, another witness, being first duly sworn, deposes and says:

Q.--State your age, residence and your husband's name?

A.--I am 44 years of age, reside near Ann, Lee County, Va., and my husband's name is J. Floyd Jones.

Q.--Are you acquainted with Wm. E. Neff and his wife, Mary?

A.--Yes sir.

Q.--Did you hear the testimony given by your mother, Mrs. McNeil?

A.--Yes sir.

Q.--Were you present during the conversation detailed by her

A.--Yes sir.

Q.--State your recollection of the conversation, when it was and what was said?

A.--It seems to me it was not very long after they were separated. We were all ther at Dr.McNiell's in conversation. I don't just remember all the conversation, but in the conversation, he told about asking for Mary, and that Mr.Munsey said that he was willing, but that he could not help them any then, but would make them with the others. After awhile he re arked that he had studied every way in th world as to how to go back on her, but there didn't see no way to go back. Then mother said to him what she stated in her deposition.

Cross-Examination.

Q.--As I understand you, there was other conversation had by Mr. Neff which you do not remember? Now, by way of refreshing your memory, I will ask you to state if Mr Neff did not say in that conver sation, that Mr.Munsey had said to him when he asked for her that she was a great home, or mother's girl, and that he was afraid she would not be satisfied, or words to that effect?

A.--I have hear Mr. Neff say something to that effect, but whether it was in that conversation, I can't remember.

Q.--I will ask you also if he did not say in that sa e convers a tion, that Mary had been putting off the time of marriage a time or two and seemed to be dis_satisfied, or words to that effect?

A.-- I have heard him say that also, or words to that effect, but I hardly think it was on that day; it might have been, but I can't say.

And further witness saith not.

Alpha Jones

Virginia,

Lee County, to wit:

I, L.T. Hyatt, a commissioner in chancery for the circuit court for Lee county, do hereby certify that the foregoing depositions of W.B. Merriman Isaac Weston, John H. Sadler, James J. Munsey, D.L. Bacon, J.W.F. Sadler, W.B. Short M.G. Slagle, Thos. S. Ely, Mary Ann Warren, Mrs. Sarah McNeil, and Mrs. Alpha Jones, were duly taken, sworn to and subscribed before me, at the times and places, in the caption and adjournment orders mentioned in said depositions and for the purpose in said caption mentioned.

L.T. Hyatt

Commissioner in chancery.

Bill of Costs:

L.T. Hyatt, Comm. 32 hours @ 75¢	\$24.00
Isaac Weston, wit	.50
John H. Sadler "	.50
D.L. Bacon "	.74
J.F.W. Saddle "	.50
W.B. Short	.50
Low Young	.50
M.G. Slagle	1.00
Thos S. Ely	.50
Mary Ann Warren	.50
Mrs. McNeil	.50
Mrs. Jones	.50
	<u>\$30.24</u>

-I.

The deposition of C.L.Kidd, taken before me, L. T. Hyatt, a commissioner in chancery for the circuit court of Lee County, Virginia, at my office in the town of Jonesville, on the 18th day of June, 1903, pursuant to agreement of the parties by their attorneys, to be read as evidence in behalf of the plaintiff in a certain suit in chancery pending in the said court between W.E.Neff, plaintiff, and Mary Neff, defendant.

Present:--C.T.Duncan, B.H.Sewell and Geo.P.Cridlin, for plff.

R.L.Pennington, for deft.

Q.--State you age, residence and occupation?

A.--I am 28 years old, live in Bristol, Tenn., and am a travelling salesman.

Q.--Are you acquainted with Wm.E.Neff and Mary, his wife?

A.--Yes sir.

Q.--State whether or not during the time they were living together at Ann, you stayed all night there with them?

A.--I did.

Q.--State anything that occurred there that night between Mr.Neff and his wife; whether or not they slept in the same room together; and all you may know about it?

Obj.--The foregoing question and any answer thereto is objected to because immaterial and irrelevant.

R.L.Pennington, for deft.

A.--I went there one night with Mr. W. C. Cameron and we asked to stay all night there, and Mr. Neff told us that we could. After supper we were sitting out in front of the house, and something was said about it being bed-time, and Mrs.Neff went in the west room, shut the door, and I thought I heard her lock it, I heard a click. Just a moment or two later Mr.Neff got up, left Mr.Cameron and myself outside leaning against the door facing, went to the partition door and tried to open the door and it was locked. He asked her to come to the door once or twice. She finally opened the door just a little, but he did not go in. They seemed to be arguing there, I don't know

what they were saying. After they talked for a minute or two, she shut the door in his face, and I suppose she locked it as I heard the lock click, or something of the kind. Mr. Neff then came out to where Mr. Cameron and myself were and said I guess I will sleep in this room with you boys, and did go to bed in that room with us.

And further witness saith not.

1 day 30c
16 mi 64
\$1.14

C. L. Kidd

Virginia, Lee County, to-wit:

I, L.T. Hyatt, a commissioner in chancery for the circuit court for Lee County, do hereby certify that the foregoing deposition of C.L. Kidd was duly taken, subscribed and sworn to before me at the time and place and for the purpose therein stated.

Given under my hand this the 18th day of June, 1903.

L. T. Hyatt

Commissioner in Chancery

W.E. Keff
v { In Chancery.
Mary Keff.

Deposition of C.L. Kidd
Filed June 18th 1903
A.B. Mursey Clerk

Bill of costs:

Cour.	.75-
wit.	1.14
	<hr/>
	\$1.89

L. T. HYATT,
ATTORNEY AT LAW,
JONESVILLE, VIRGINIA.

4

The depositions of C.C. Blankenship, Sr.,
.....

taken before me, pursuant to agreement, at the law office of C.T. Duncan in the town of Jonesville, Va., on June 23, 1903, to be read in evidence in rebuttal in favor of the plaintiff in the chancery cause now pending in the Circuit Court of Lee County, Virginia, in which W.E. Neff is plaintiff and Mary E. Neff is defendant.

Present: C.T. Duncan, B.H. Sewell and Geo. P. Cridlin, counsel for plff.

F.L. Pennington of counsel for defendant.

C.C. Blankenship, Sr., a witness of lawful age, being first duly sworn, deposes and says:

Q. 1.-- What is your age, residence and occupation?

A.-- I am 80 years old, and will soon be 81, reside in Ganny Hollow, near Low Gap, Lee County, Va., and am ^a farmer and a Baptist minister.

Q. 2.-- Are you acquainted with James J. Munsey?

A.-- I am.

Q. 3.-- James J. Munsey in his examination as a witness in this case, in answer to the following question: "Who informed you that Mr. Neff's stock of goods were paid for, or that he claimed they were paid for?", answered: "C.C. Blankenship, Sr.", and in answer to a further question he said you gave him this information about last October, or first of November after the suit was brought, in Jonesville. Did you ever give Mr. Munsey any such information in Jonesville, or anywhere else?

A.-- I never told him anything about it being paid for as I remember of. We did have a conversation here in Jonesville and I can give you that conversation as it occurred, or about as it occurred, I think. I do not remember the exact time it occurred, but ~~but~~ I expect it was about Oct. or Nov. of last year, that is my recollection. I met up with Mr. Munsey between the Courthouse and Mr. Orr's store. We spoke to each other and shook hands and he remarked to me that he wanted a conversation with me. We stepped back a few steps southward out of the crowd, and my recollection is we sat down. He then said to me, "I want to ask you in regard to Billy Neff, some questions." He said to me, "Did you ever hear Bill Neff--"

say anything disrespectful, or against the character of his wife?"

I said "No; but I have heard him say this much, that he loved her better than any woman he ever saw, and that he would love to live with her, and would treat her as a wife if she would treat him as a husband". At this point there was some conversation took place between us that I do not now recollect. I said I was sorry that they could not live together, as I had married them. I think I asked Mr. Munsey what was the split-up or difficulty between them that they could not live together, or something to that amount, and he said that Neff had a store down there at Ann and that he would go out of the store into the house where his wife was and he would throw her clothes up and look at her "privates", and that people there at the store and around there had an opportunity to see such conduct. Mr. Munsey said that is what his daughter told him, and that she would not bear ~~any~~ such conduct, and that she was not going to live with him on that account and other things, he didn't say what. I said to Mr. Munsey that if they couldn't live together I thought it was best, as Neff had brought a suit for divorce to not contest but to let him have his divorce and get rid of him. And he said, "No, I am going to defend my daughter's character, wouldn't you?" And I said yes, if anybody should try to injure the character of my daughter, I would be like you, I would defend it. As well as I recollect now, at this point come in the store business. I said to Mr. Munsey, "Mr. Neff has a store out there, and a pretty good store, and he is getting a pretty good trade, and if she would go and live with him I thought they would do well. If there is anything else that was said between us I do not now remember it."

Obj.-- All such part of the foregoing answer which does not relate to the question of the value of the store or the fact of its being paid for, is objected to because it is not responsive to the question; and secondly, because not admissible testimony in the case. The witness spoke of having a conversation with Mr. Munsey in Jonesville, which the attorney for defendant understood to be in reference to the question asked by attorney for plaintiff, and requested the witness to give the conversation. The witness started out to detail

3.
other conversation outside of the conversation in reference to the goods, and was then told by attorney for the defendant that he was only wanted to detail such conversation as was had in reference to the goods, but attorney for the plaintiff insisted that the whole conversation be given in reference to everything that was said. The same was put down, and this objection reserved until the answer was made in full. Attorney for the defendant insists that the statements of the witness to the other witness Munsey, except so far as the same is to be used to contradict the witness Munsey, can in no way bind the defendant in this case, or become evidence on behalf of the plaintiff.

R.L. Pennington for deft.

Counsel for plaintiff state that when the witness had got down in his answer to the point: "We did have a conversation here in Jonesville and I can give you that conversation as it occurred, or about as it occurred, I think", then C.T. Duncan counsel for plaintiff said to the witness that he did not insist on that conversation, but the attorney for the defendant said "Let him give the conversation now, as it ^{will} ~~would~~ save ^{me} ~~him~~ from having to ask a question." The witness then went on and gave said conversation down to the point where witness repeated that he would treat her as a wife if she would treat him as a husband. At this point defendant's counsel objected to the witness going any further, and plaintiff's counsel insisted that he should give the whole conversation, because defendant's counsel had insisted on part of it.

C.T. Duncan B.H. Sewell and Geo. P. Cridlin
Attys. for plff.

CROSS EXAMINATION.

X.Q.1.-- Did Mr. Munsey ask you what you thought the value of the goods in the store was?

A.-- No.

X.Q.2.-- By way of refreshing your memory I will ask ^{you} to state if you did not say in answer to a question asked by Mr. Munsey, that you thought his stock of goods was worth from \$1000.00 to \$1200.00 or \$1500.00?

A.-- I did not.

X.Q.3.-- Did you not tell Mr. Munsey that you had staid in the store a few days and that you did not know anything about whether his goods were paid for or not, but you could only tell him what Will said about it, and did you not tell him that Will said he had his goods paid for?

A.-- I guess I told him that I had staid in the store a few days, but I did not tell him that I did not know whether the goods were paid for, and I did not tell ^{him} that Will said they were paid for.

X.Q.4.-- Did not Mr. Munsey tell you that his daughter's counsel had told him they wanted information, or an affidavit, as to the value or worth of Mr. Neff's property?

A.-- We had no such conversation that I have any recollection of.

And further this deponent saith not.

C. C. Blankenship. Jr.

Witness claims 50 cts.
Paid by Neff.

over.

State of Virginia, County of Lee, to-wit:

I, A.M.Goins, a Commissioner in Chancery for the Circuit Court of the county of Lee, in the state aforesaid, do hereby certify that the foregoing depositions of C.C.Blankenship, Sr., was duly taken under oath and by agreement as stated in the caption, and subscribed before me, and at the time and place as above mentioned.

Given under my hand, this June 23rd, 1903.

.....*A.M.Goins*.....
Comm. in Ch'y.

W. E. Steff

vs { Dep. in Refutation.

Mary E. Steff.

The depositions of Francis Wygal, *Amanda Lawson, G.S.*
McClure, N. N. Burchett, D. C. McClure, & others.....,

taken pursuant to agreement, ~~to agreement~~ at the office of L. T. Hyatt,
in the town of Jonesville, before me, A. M. Goins, Commissioner in Chan-
cery for the Circuit Court for Lee County, Virginia, on the ^{45th} 4th days
of June, 1903, which depositions are intended to be read as evidence
in behalf of the plaintiff in a suit in chancery now pending in the
Circuit court of Lee County, Va., in which W. E. Neff is plaintiff, and
Mary E. Neff is defendant.

Present: B. H. Sewell and C. T. Duncan, Attys. for plaintiff.

R. L. Pennington, Atty. for defendant.

Francis Wygal, a witness of lawful age, being first duly sworn, deposes
and says:

Ques. 1. Please state your age and place of residence; also your
maiden name.

Ans. 1. I am 44 years old and reside near the Camp Ground, Lee Co.,
Va., and my maiden name was Francis Whisman.

Ques 2. Are you acquainted with W. E. and Mary E. Neff, the plaintiff
and defendant in this case; if so, how long have you known them?

Ans. 2. I am acquainted with them; I have known W. E. Neff for several
years; and I got acquainted with Mary E. Neff after they were married.

Ques. 3. After said W. E. and Mary E. Neff were married to each other,
please state whether or not you lived with them at their place of res-
idence, and if you state you did, please state where they then lived
and how long you lived with them.

Ans. 3. I did live with them a couple of weeks; they lived near Ann,
Va.

Ques. 4. How long was it after they commenced house keeping until
you went to live with them?

Ans. 4. I do not remember how long it was exactly; I think it was in
May after they were married that I went there, but of this I am not
positive.

Ques. 5. Please state the manner of treatment of W. E. Neff towards his
wife during the time you lived with them, whether it was kind and con-
siderate or otherwise.

The last clause of the foregoing question is objected to, because

the witness is asked to state whether or not the treatment by the plaintiff of the defendant was kind and considerate, which is equal to asking the witness a matter of opinion, leaving it to her to determine from her judgment what is or is not kind treatment. The witness should state what the treatment was, and let the court say whether it was kind or otherwise.

R. L. Pennington, Atty. for Deft.

Ans. 5. He was kind to her, while I staid with them.

Ques. 6. What was her treatment toward him?

Ans. 6. She was very kind to him.

Ques. 7. How many were there in the family?

Ans. 7. When I first went there there were three in the family, Mr. and Mrs. Neff and Wm. Minter, and I made the fourth. Minter left after I went, but I do not remember how long he staid after I went.

Ques. 8. How many rooms were in the house in which Mr. and Mrs. Neff lived during the time you were with them?

Ans. 8. There were two rooms in the house.

Ques. 9. Please state if there were not two rooms and also a room used for a kitchen?

Ans 9. There were, and also a porch.

Ques. 10. Please state whether or not Mrs. Neff staid in the room and slept with her husband during the time you were with them, and if she did not, state where she did sleep.

Ans. 10. She staid in the room with me, and not in the room with Mr. Neff.

Ques. 11. You may now state, if you please, why she refused to sleep in the room with her husband, if you know.

The foregoing question is objected to, because the witness has not stated that Mrs. Neff had refused to stay in the room with Mr. Neff, and because the answer would be irrelevant and immaterial if in proper form.

R. L. Pennington Atty &c.

Ans. 11. I do not know; I never heard her give any reason.

Ques. 12. Please state whether or not you heard Mr. Neff make any effort to get her to sleep with him in the room occupied by him, and if you state you did, tell what he said and done.

Objected to because irrelevant.

R. L. Pennington.

Ans. 12. I heard him ask her to come in the room and stay with him one night. He came in the room where I was at and took her by the arm and said, "Mary, I think you might come into the room and sleep with me and show me some respect." She got up and went into his room and staid a while and then came back in the room where I was at and went to bed. She staid in his room about ten or fifteen minutes.

Ques. 13. Please state whether Mrs. Neff kept the door locked between the room she staid in and the room Mr. Neff staid in.

Ans. 13. On the night above, he called to her to open the door; she did not do so. He then called to me, "cousin Francis, open the door," and I got up and opened it. I do not know whether she locked the door when she came back to go to bed or not. I do not know whether she was in the habit of locking the door or not, as this was the only night my attention was called to the matter.

Ques. 14. During the time you staid with them, state whether or not Mr. Neff staid at home or elsewhere most of the time.

Ans. 14. He staid at home; sometimes during the day he was away, but would return at night. *He slept some of the time over at the store, but I don't know how many nights.*

Ques. 15. While you staid there, if Mr. Neff, in many ways, exerted himself to make his home everything else than a pleasant home, please state the ways in which he did it.

Ans. 15. He done nothing of that kind, that I would take that way.

Ques. 16. State whether or not, during the time you staid with them, Mrs. Neff appeared to be happy and contented, and you may state in this connection what she did to make ^{their} ~~her~~ home-life pleasant or otherwise.

Ans. 16. I cannot state; ~~XXXXXXXXXXXXXXXXXXXX~~ she wanted to go home frequently; some days she would appear to be satisfied or happy, and other days she did not so appear. I have told all I know about it.

Ques. 17. State whether or not Mr. Neff required much work or labor to be done by his wife; and if so, state what it was.

Objected to because this question is not put at issue by the bill of the plaintiff or the answer of the defendant; the bill does not allege that she would'nt work, the answer does not complain that onerous tasks were put upon her that she ought not to bear. —

The store was 10 or 10 ft. off from house.

The testimony therefore upon this question is impertinent and irrelevant.

R.L.Pennington.

Ans. 17. He did not require any work, except the house work, and I helped her to do that.

~~EXHIBIT~~

X-Examined.

Ques. 1. At the time you went to stay with Mr.Neff and wife, had they not been married only about a week or ten days?

Ans. 1. I do not remember positively, but my best recollection is that it was along about the first of May--first or second week in May.

Ques. 2. On the night on which you said Mr.Neff called his wife to stay with him, you said that she staid ten or fifteen minutes and then came back. Did she not tell you after she came back to the room, after you had asked her why she did not stay, that it was because Will had quarrelled at he so?

Ans. 2. I do not remember of ~~my~~ asking her that question that night, nor I do not remember of her telling me that. She came into the room where I was and went and got into another bed.

Ques. 3. On that afternoon of that day did you not hear Will quarreling at his wife about her acting clerk or staying in the store?

Ans. 3. He asked both of us to stay in the store when he would be away, but I do not remember whether it was that day or not. We told him we did not ^{think} ~~know whether~~ we could attend to it, ~~xxxxxxx~~.

Ques. 4. How did he receive the answer; that is, did it seem to irritate him or not?

Ans. 4. I do not remember.

Ques. 5. The plff's counsel asked you the question why Mrs. Neff refused to sleep in the room with her husband; you answered you did not know and had never heard her give any reason. You had not stated in your examination theretofore that Mrs.Neff had refused to stay with Mr. Neff in his room; and is it not a fact that you do not know that Mrs. Neff had ever refused to stay in his room?

Ans. 5. I never heard him ask her until that night to stay in the room with him.

Ques. 6. In one of your answers you stated Mr.Neff called you cousin. State what relation you are to him.

Ans. 5. Our fathers were ^{first} ~~second~~ cousins; we are second cousins.

Ques. 6. Were you at Mr. Neff's the night he shot a dog in the potato patch?

Objected to because the killing of a dog in a potato patch is not made an issue in the pleadings, nor is there any evidence that Mr. Neff ever at any time or at any place killed a dog in a potato patch, bean patch, front yard, or any where else.

C.T. Duncan, Atty.

Ans. 6. I do not remember of his shooting at a dog while I stayed there.

Ques. 7. By way of refreshing your memory, I will ask you to state if you, Mr. Neff and his wife were not sitting on the porch one evening something about dark, and while you were sitting there, did not a little dog come up upon the porch, and did not Mr. Neff get a pistol from some where and shoot the pistol off, and did not the little dog go off out into a potato patch, and did not Mrs. Neff go out where the little dog was, and did not Mr. Neff follow her out where the dog was, and placing the pistol over the top of her head shoot it off over her head four time, or at least several times, and did he not do this act in a bad humoredly disposition toward Mrs. Neff.

Ans. 7. I do not remember of it taking place while I stayed there; if I remembered it I would state it.

And further, this deponent saith not.

Witness claims, over

..... *James V. N. Neal*

Mrs. Amanda Lawson, a witness of lawful age, being duly sworn deposes and says:

Ques. 1. State your age and place of residence.

Ans. 1. I am 53, and live in Hancock County, Tenn.

Ques. 2. Are you acquainted with W.E.Neff and Mary E.Neff, his wife; if so, how long have you known each of them?

Ans. 2. I'm acquainted with them; but with Mr. Neff better than his wife. I have known him about fifteen years, and his wife about the same length of time.

Ques. 3. Did you know them ~~while~~ they were living together at Ann, Va.?

Ans. 3. I did; I was there at their house; I lived in about 2 miles.

Ques. 4. Had you ever have any conversation with Mrs. Neff, with reference to her and her husband; if so, tell in your own way what occurred between you, and all that was said as nearly as you can remember.

Ans. 4. I did have a conversation with her in reference to her and her husband. I went to their house to see a piece of ^a carpet they had.

Mr. Neff went with me from the store to the house; as we went from the store to the house he said him and his wife were in trouble, and I said what about; he hinted me; he did not say; ~~she~~ ^{he} said he wanted me to talk to his wife; I talked a little sassy to Will and said,

"that is ~~to~~ ~~no~~ no way of getting along." I went in the house and the carpet was brought to the front room out of a little room. I looked at the carpet and said several words one way and another.

They both commenced talking to me. I said, "Mrs. Neff, I would cut this carpet and put it down, it is too pretty to not cut; she said

"I am not satisfied to live here, the reason I don't cut it; there

were a few more words between us, and then she said, "I am going to my father's" or "pappie's," (which ever one she called him) There were

some more words and we all laughed, and then I told her what I thought was best, and then Mr. Neff was called from where we were to the store.

Mr. Neff went on to the store and while he was gone she asked me several questions about man and his wife. I remarked that women had to comply to the requests of their husbands. She said she never expected to have any children by that old baldheaded Bill Neff. I said to her

women had to obey their husbands. Mr. Neff then came back from the store. He and her then began to talk to me again. He said ~~that~~ that she kicked him out of the bed, or out of the door, (I can't say which) and locked it, and I laid right there, (motioning toward the floor). She was present ~~and~~ at the time the above remark was made. We talked several words with each other, not proper to be here put down, about man and his wife. She did not deny locking Bill out.

X-EXAMINED.

At this point the witness became ill and was unable to proceed with the ~~corss~~-examination, and the corss-examination of said witness was postponed ~~until such time as she would be able to proceed with her cross-examination~~ until such time as she would be able to proceed with her cross-examination, defendant's counsel reserving the right to cross-examine. On June 26th the witness appeared before the Commissioner, at the office of C.T. Duncan in the town of Jonesville, so that defendant's counsel might proceed with the cross-examination. Your Commissioner is informed ^{by B.H. Swell, Geo. P. Bridle & W.E. Neff} that the counsel for the plaintiff procured the attendance of this witness on this day so that the defendant might proceed with said cross-examination under an agreement between C.T. Duncan, of counsel for the plaintiff, and R.L. Pennington, of counsel for the defendant. But the defendant ^{not} nor her counsel ^{being} present to proceed with said corss-examination, and the witness being quite a distance from home and desiring to return home, ~~xxxxxx~~ at the request of counsel for the plaintiff for her to sign her examination in chief, she is accordingly permitted by the Commissioner to sign the same, with leave to the defendant to cross-examine her if they so desire.

And further, in chief, the witness saith not.

Witness claims two days

and 12 miles = \$1.48.

Paid by Plff.

Amanda Lawson

#

This deposition of Amanda Lawson is taken to become no chance of Cross-examination can given to Counsel for Defendant Counsel being that any cross-examination made to take the deposition on the day referred to -
(over) *Amir Pennington Pres.*

This exception, is not well taken, The witness, after being examined in chief became very sick, and could not be then cross-examined. - Several days thereafter we went with the defendant, to the house of Dr. McNeil which was in four miles of where this witness lived, and counsel for defendant refused to go and cross-examine her and again ~~she came~~ we brought her back here again and we could not get either one of the counsel to attend the cross examination of said witness. They all refused. The deposition was then signed by the witness

C. T. Duncan

B. H. Seely -
Atty for Def.

Geo. S. McClure, a witness of lawful age, being first duly sworn, deposes and says:

Ques. 1. State your age and place of residence.

Ans. 1. I am 31, and live at Ann, Va.

Ques. 2. Are you acquainted with W.E. and Mary E. Neff, his wife, and how long have you known each of them?

Ans. 2. I am acquainted with them. I have known Bill every since he was a boy, and I have known his wife seven or eight years.

Ques. 3. While Mr. Neff and his wife lived together at Ann, how close did they live to you?

Ans. 3. About a quarter of a mile or less.

Ques. 4. On the morning that Mrs. Neff and her husband went away from their home, and she failed to return, state if she made any request in your presence with reference to milking or taking care of her cow; if you state that she did, state what she said as nearly as you can?

Ans. 4. She came to the door of my house, we were eating breakfast, and said she wanted us to milk the cow while she was gone.

Ques. 5. How long did the cow remain there after that morning, and who came for her?

Ans. 5. She stayed there two or three days, I do not know which. I ~~cannot~~ think her father came for the cow, I cannot be positive.

Ques. 6. Do you know of any person coming after her house-hold and kitchen furniture; if so, who came, and how long was it after she left her home?

Ans. 6. Her father came after said furniture; I think it was about two weeks after she left her home.

Ques. 7. What was the manner of treatment, as you observed it, by Mr. Neff and his wife towards each other, while they lived there near you?

Ans. 7. I did not see that he mistreated her, or her him; one time she came down to our house with a yard stick in her hands; mother asked her what she was going to do with it; she said she was going to use it on that Billey of hers; ~~she did not~~ I do not know whether she meant any harm or not; she did not seem to be in a good humor.

Ques. 8. While they were living together, did you hear any shooting around or about Mr. Neff's, and if so, do you know who did it?

Ans. 8. I did not hear any shooting, but I heard talk of it.

X-Examination.

Ques. 1. Do you know where Mrs. Neff got the yard stick she brought to your house?

Ans. 1. I do not; I saw her come there with it and leave with it.

Ques. 2. Who else was there at the time she came?

Ans. 2. My father and mother and W.E. Neff.

Ques. 3. How long had Will been there at your house?

Ans. 3. I do not know.

Ques. 4. Which left first, he or his wife?

Ans. 4. He left first.

Ques. 5. Do you know who was staying in the store that day?

Ans. 5. No, sir.

Ques. 6. Had'nt you been staying in the store for Will when he would be gone?

Ans. 6. I had stayed in the store the summer before Will was married, but had not stayed there any after he was married.

Ques. 7. By way of refreshing your memory, I will ask you to state if on the evening that Mrs. Neff took the yard stick down to your house, if you were not staying in the store that afternoon, and did not Mrs. Neff come in the store and enquire for Will, and did you not tell her that he was down at your father's, and did'nt Mrs. Neff then go off down toward your father's house with the yard stick in her hand, and is it not a fact that the statement of what happened down at the house was told to you by your father, or mother, or both, and have you not gotten the matter mixed as to whether you actually heard the conversation detailed by you?

Ans. 7. I was not at the store; I was at the house and heard what she said; and I don't think I have gotten things mixed up.

Ques. 8. Is it not a fact that if you really heard the conversation there at the time, that the statement of Mrs. Neff was really a joke and laughed at and indulged in by all parties present as ~~it~~ such?

The first part of the question is objected to because it is a reflection upon the witness.

C.T. Duncan, Atty.

Ans. 8. I did not see any laughing, and she talked like she was out of humor.

Ques. 9. How long did Mrs. Neff say she would be gone, when she asked you that morning to have the cow milked?

Ans. 9. She did not say.

Ques. 10. What month of the year, when she came to your house, about having the cow milked?

Ans. 10. It was in the month of July.

Ques. 11. What month was it when Mr. Munsey came for the furniture?

Ans. 11. About two weeks after they parted; I did not put it down on the post; if I had I would have known.

Ques. 12. Was it not in the month of October the furniture was taken away?

Ans. 12. I do not know; I kept no account of the matter.

Ques. 13. Are you reasonably sure that it was not more than two weeks from the time they parted until the property was removed?

Ans. 13. It might have been two weeks; it might have been longer.

Ques. 14. On one evening while they were living there near you, when you had been informed that Mr. Neff would not be at home, did you not invite Mrs. Neff to go down to your father's and stay all night, and did not Mrs. Neff reply that she could stay by herself, as she had to stay there most of the time by herself when Will was at home, or word to that effect, and did you not remark that was a doggoned sorry way for a man to treat his wife?

~~Thereby~~ The foregoing question, and any answer thereto, is objected to, because it is a statement by the defendant that is self serving, and if the question is insisted on, the same course will be adopted by the plaintiff and his statements of occurrences taken place between himself and his wife during the time they lived together will be introduced as evidence in the case. C.T. Duncan, Atty.

Ans. 14. I never invited her down there in my life; in fact, the way she had talked about my mother, I did not want her down there; I heard she called my mother a fool, and I do not want people about me that talks about my mother that way. I never had any such talk to her that I know of.

Ques. 15. You ~~xxxxxxfeeling~~ were not feeling very kindly toward Mrs. Neff while she was living down there near you, after you heard the remark was made about your mother as above stated, ~~were~~ were you?

Ans. 15. Not feeling very well toward her then, afterwards, or now.

Re- Examination.

Ques. 1. While your feelings are not overly kind towards Mrs. Neff, as above stated by you, are your feelings such as to cause you to do her an injustice?

Ans. 1. They are not; I want to do justice to every body.

And further, this deponent saith not.

G. S. McBlane
.....

William N. Burchett, a witness of lawful age, being first duly sworn, deposes and says:

Ques. 1. State your age, residence and occupation.

Ans. 1. I am 32, live near Hubbard springs, and am a farmer.

Ques. 2. Are you acquainted with W. E. Neff and Mary E. Neff, his wife, and if so, how long have you known each of them?

Ans. 2. I am acquainted with each of them; I have known them pretty much all my life.

Ques. 3. If you at any time ever heard Mrs. Neff say anything in regard to living with W. E. Neff state what she said as nearly as you can.

Ans. 3. It strikes me that it was at Will Burchett's, I will not be positive as to the place where it took place, I heard Mrs. Neff say in a conversation with some woman, I do not remember at this time that she did not intend to live with him; who the woman was, that she did not intend to raise any kids by the baldheaded scoundrel; that her mother said that it would kill her if she did. She did not use any name.

Ques. 4. How long was this before or after Mary came back to her father's from where and Mr. Neff had been living?

Ans. 4. This was after she came back to her father's; shortly after she came back, but I cannot state the time.

Ques. 5. Where were you living at the time you heard this conversation?

Ans. 5. I can't state just where; but I think on Elean Burchett's

place on the mounting.

X-Examination.

Ques. 1. What time in the day was it when you heard this conversation, in the morning, evening, or night?

Ans. 1. I think it was in the evening.

Ques. 2. What time in the year was it?

Ans. 2. I don't know what time of the year it was.

Ques. 3. Was it a hot or cold day?

Ans. 3. It was a warm day.

Ques. 4. What year was it in?

Ans. 4. I cannot state.

Ques. 5. What is your best impression; was it in 1850 or 1855?

Ans. 5. It has been between four and five years ago as well as I can now remember.

Ques. 6. What were you doing on that day?

Ans. 6. I was working on the wood yard.

Ques. 7. Were you chopping wood or picking up chips?

Ans. 7. I was chopping wood.

Ques. 8. What kind of wood were you chopping?

Ans. 8. Stove and fire wood, I reckon, I was workin on the wood yard.

Ques. 9. On which side of the fence, if there was any fence, was the wood yard? I mean the fence around the house.

Ans. 9. It was on the inside of the fence.

Ques. 10. Was the wood-yard on the back or the front of the house?

Ans. 10. Rather on the back of the house.

Ques. 11. You were chopping away when you heard the conversation were you?

Ans. 11. No, sir, I was not chopping away when I heard the conversation; I was standing there when I heard it.

Ques. 12. I supposed that you stopped in order that you might hear what was being said did you?

Ans. 12. I did not stop that I might hear the conversation; I suppose there was some of the conversation that I did not hear.

Ques. 13. Could you see Mrs. Neff from where you was standing when you heard the conversation?

Ans. 13. Yes, I could see her.

Ques. 14. Could you see the other woman at the time of the conversation?

Ans. 14. I could not, from where I was at.

Ques. 15. Did you know the other woman at the time?

Ans. 15. ~~No~~, sir, I did'nt.

Ques. 16. Were there ~~two~~ two women in the house?

Ans. 16. No, sir.

Ques. 17. Where were they?

Ans. 17. As well as I remember, one of them was standing on the inside and the other on the outside of the yard gate.

Wues. 18. Which was on the inside, and which ^{on the out-} side of the gate, and how far apart were they?

Ans. 18. Mary was on the outside; I can't state how far apart they were.

Ques. 19. How far were they from you?

Ans. 19. They were about 25 yards from me.

Ques. 20. What kind of a house was this at which you were working?

Ans. 20. It was a framed house, painted rather blueish; that is, if the conversation took place at this place; but, as I told you in the outset, ~~that~~ I ~~was~~ ^{am} not positive where the conversation took place; the house I have tried to describe above is Will Burchett's house.

Ques. 21. I will get you to state word for word the conversation that took place.

Ans. 21. I ~~have~~ done answered as far as I know.

Ques. 22. I will ask you to repeat the conversation you say you heard between Mrs. Neff and the woman.

Ans. 22. As I state above, I will not be positive where the conversation took place, whether at Will Burchett's or not, all that I heard her say was, that she did not aim to live with him; to raise any kids by the bald headed scoundrel; that her mother said it would kill her if she did.

And further, this deponent saith not,

Witness claims 50 cts

Will Burchett

D.C. McClure, witness of lawful age, being first duly sworn, deposes and says:-

Ques. State your age and occupation.

Ans. I am 33 years, reside at Acadia, Lee County, and am a farmer.

Ques. Are you acquainted with W.E. Neff and wife, Mary E. Neff?

Ans. I am.

Ques. Were you acquainted with them while they were living together as husband and wife?

Ans. I was, and lived some seven miles from them, but was at my father's often, which was near to them.

Ques. Did you observe the conduct of Mr. Neff towards his wife during those visits, if so please state what that conduct was.

Ans. I noticed their relation with each other; had always been a good friend to each of them; had been to school with them, and saw nothing in Mr. Neff's conduct that cast any reflection upon her, and saw nothing on her part that was wrong in the way of misconduct. They seemed kind toward each other, that is I saw nothing out of the way.

Ques. Were you at Mr. Neff's when Mrs. Neff's father came for her house hold goods?

Ans. I think I was. I remeber seeing him getting them, and heard he and Will talking together about them. I ^{remember} some of the statements; that is, the thought of what was said. ^{My} recollection is that he told Will that he had come for her effects, ^{spoke} kindly, and said that Mary was not satisfied to stay there; that is, that was the impression that was made on my mind from what was said. Will seemed to express regret that she was not satisfied to stay there, and told him her will and not his in the matter, and that the things were there in the house, and he could go ahead and get them. Will said that he did not know them all; that he could go ahead and load up his wagon, and when they came to the bacon, ^{Munsey} ~~that~~ he brought it out to the store and sold it to Will, I suppose that he had given it to Mary, and ^{said} ~~that~~ he did not want to haul it back home. Will did not help him load any thing. He just let the matter with Mr. Munsey, and seemed to be kind in the matter. There seemed to be no ill will between the two

Ques. Did you observe whether or not the goods or any part of them that were loaded into the wagon were boxed and packed when Mr. Munsey came there?

Ans. I can not say they were. I did not give much attention to the work.

Ques. State as nearly as you can when this was?

Ans. I had not thought of the time since it occurred, but my recollection is that it was in the summer; I could not say whether it was in June, July, or the latter part of May, and it might have been later than either of these dates. I know the weather was warm, and I am not certain about the date.

Ques. You heard, did you not, of Mrs. Neff going back to her father's and not returning home.

Ans. Yes.

Ques. State as nearly as you can; that is, give your best impression, how long it was after she went back to her father's until her father came for her plunder as above stated by you?

Ans. It was not long, but I can not state exactly when it was. There has been so many other things more important to me, but my answer would be that it was but a short while.

OBJECTION: Defendant's counsel object to the statement of the witness in regard to conversations had between the plaintiff and defendant's father, because said statements, either of the plaintiff or the defendant's father, cannot be used as testimony against the defendant unless the same is in her presence and by her assent.

X-EXAMINATION.

Q-1. Were you at the store when Mr. Munsey came?

A-1. I can't say whether I was there when he came up or not; I can't tell whether I was there when he drove up, or whether I came up afterwards.

Q-2. Was Mr. Munsey riding a horse back or driving a vehicle of some kind.

A-2. I cannot say. My recollection is he drove away in a wagon, but I cannot say.

Q-3. By way of refreshing your memory, was there not a man with Mr Munsey, a man by the name of Jim Baker who was driving the wagon for Mr. Munsey?

A-3. I do not remember the man's name but the impression is on my mind that there was some man with him helping him load the wagon.

Q-4. Was Mr. Neff at the store when Mr. Munsey came, or did he come in a little later?

A-4. I do not remember as to that.

Q-5. Don't you remember in the conversation, either Mr. Neff or Mr. Munsey saying something about riding together from Steward, Neff's?

A-5. I don't remember about it.

Q-6. From the conversation had between them there, that you heard, were you not impressed in your mind that they had been talking before you heard them about the matter of difference between Will and his wife?

A-6. I can't say that it ~~was~~ made that impression on my mind, as I now remember it.

Q-7. By way of refreshing your memory, do not you remember the wagon driving up and Mr. Munsey saying to Mr. Neff, now the wagon has come, and Willey, if you are not going to reconcile this matter, the team has come for her things, and did he not also say to Mr. Neff that Mary was willing to come back any time that he, Will, would come and stay with her, but was not willing to come back and live alone, or words to this effect?

A-7. I don't remember of hearing Mr. Munsey say that. It might have occurred before I got there.

The later part of the answer is objected to, because it is evidence for no purpose on earth.

C.T. Duncan, Atty.

Q-8. Do you remember of taking any part in the conversation yourself between Mr. Neff and Mr. Munsey?

A-8. I don't think I did.

Q-9. Were there any other persons in the store but yourself, Mr. Munsey and Mr. Neff?

A-9. I can't say that there were; I will not be positive.

Q-10. How long did you stay there?

A.10. I think I was there when the wagon left.

Q-12. What time in the day did you go there and what time was it when you left; and state whether you was there at dinner time or not?

A.12. I can't say what time I went up there or what time I left, but I left in the evening; but I might have been back and forth more than one time.

And further, this deponent saith not.

Witness claims facts.

The further taking of these depositions is continued until June 10th, 1903, at 9 o'clock A.M., same place. This June 5th, 1903.

A. M. Gaines,
Comm. in Ch'y.

June 10th, 1903--

Met pursuant to adjournment.

A. M. Gaines,
Comm. in Ch'y.

Sterling Barnes, a witness of lawful age, being first duly sworn, deposes and says:-

Q-1. State your age, residence and occupation.

A-1. I am 52 years old; live near Bales' Forge, Lee county, Va.; and am a farmer.

Q-2. Are you acquainted with W.E.Neff and Mary his wife?

A-2. I am; I know both of them.

Q-3. Was you at the place of business of W.E.Neff while he and his wife were living together; if so, state what was your purpose in going there and what occurred while you was there?

A-3. I was; some times I went to trade some, and sometimes to buy chickes, potatos, and peddling stuff. I went in there about twelve o'clock one day when I had bought some potatos from Mr.Neff; they were about dinner at the time; I heard some body talking in the house that I took to be Neff and his wife; seemed like the woman was talking prettily short. In a few minutes Neff came out and went on toward the store; in a few minutes his wife came out and to where

we were meaduring the potatos; we went to measuring the potatos-- I bought for ⁴/₁ a hen egg size up; the little one I did not buy-- In measuring up Mrs. Neff put in smaller sized potatos than I bought. I told her I bought bigger potatos from Mr. Neff; that I did not buy them little potatos. She said the ^{bald-headed} durned fool, or the durned fool bald headed son of a bitch--one of the ways, I cannot say which,-- he never did ^{know} ~~he~~ what he was doing; she then turned and went to the house.

Objection: The foregoing answer is objected to because the statement made by the witness is absolutely foreign to the issue, it can have no bearing upon any ~~case~~ ^{phase} of the case.

R.L.Pennington, Atty.

Q-4. Can you state about what time of the year this was; if so, state?

A-4. I cannot state, ~~precisely~~ but I think it was the last of June or the first of July; it was when early potatos got large enough to use and sell.

~~Q-4.~~

X-EXAMINED.

Q-1. What were Mr. and Mrs. Neff doing when you first saw them?

A-1. They were coming out of the house.

Q-2. What were the short words you say you heard said in the house?

A-2. I could not understand exactly what the words were, but it seemed like the woman was talking pretty short.

Q-3. How many potatos did you get there?

A-3. I cannot tell you the exact amount, but several bushel.

Q-4. How many had you measured up when Mr. Neff left?

A-4. Not very many, only a few.

Q-5. Was Mrs. Neff there when Will left the potato pile?

A-5. I don't think she was.

Q-6. How long was it until she came out?

A-6. I don't think it was but a little bit.

Q-7. What did she say when she came out?

A-7. I do not recollect of her saying anything until we got to talking about the little potatos.

Q-8. What did she do while she was out there?

A-8. She helped measure up some potatos.

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 house.

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R.L.Pennington, Atty.

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REEX

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A-6. I don't think it was but a little bit.

Q-7. What did she say when she came out?

A-7. I do not recollect of her saying anything until we got to talk-
 ing about the little potatos.

Q-8. What did she do while she was out there?

A-8. She helped measure up some potatos.

Q-9. Who kept an account of the potatoes after she left and before she came?

A-9. Me and Mr.Loftice.

Q-10. Who is Mr.Loftice, what is his name, and where does he live?

A-10. Walter Loftice; he lives near Bales'Forge; he is a laborer.

Q-11. Was Loftice with you when you was buying the potatoes and measuring them up?

A-11. He was with me when I was measuring them up, I do not remember whether he was with me when I bought them or not.

Q-12. When did you first tell Bill Neff about this?

A-12. Some two or three weeks ago, may be not so long.

Q-13. Did you go to see him and tell him about it, or did he come to see you?

A-13. I had started to Wallens creek after a load of hay and he overtaken me. He told me his wife had sued him for a lot of money, and ~~asked~~ me if I knew any thing that would do him any good. I told him I did not know any thing except when I got the potatoes there. I told him when I got the potatoes there I heard her say what I have above stated.

Q-14. Is it not a fact that Mrs.Neff was not about where you was measuring up the potatoes and had nothing to do with the potatoes, or say any thing to you or anyone else when you was there about Bill Neff?

A-14. It is a fact the way I have above stated it.

Q-15. Had you ever seen Mrs. Neff before this time?

A-15. I had.

Q-16. Where and when and how often?

A-16. I cannot tell you how often; I had seen her there about the store, and there about home.

Q-17. You say you are a farmer, how much land do you own and where is it situated?

A-17. I own about 22-acres, or the rise; it is near Bales'Forge, adjoining the lands of M.O.Combs.

Q-18. Have you a family, and how many?

A-19. I have a family, a wife and 8 children.

A-20. I do not.

A-21. I make a few cross-ties, swap horses and so forth.

A-22. I can't say that it is a habit, but I have in time stold^e a drink, when Jim Jones was in this country--I took it out of his jug when he did not know it. I drink very little; never was drunk but twice in my life.

not. *Sterling* ^{his} *Barnes*
.....
mark

10 miles = .40 cts
1 day .50

90 cts.

Q-1. You stated in answer to one of the questions propounded to you on cross-examination that you never took anything except some whiskey when Jim Jones was in this county. Were you arrested and tried for taking whiskey from Jim Jones?

Q-2. Were you ever arrested and tried for taking anything from any one else, or accused of any other heinous offense and tried for the same under the laws of our state?

Q-3. Were you a witness some five or six years ago, perhaps a year or two longer, in a case of D.C.Willis against B.C.Campbell, and probably others, for the defendnats in that case?

his
Sterling ~~to~~ Barnes.

Mary Anderson, a witness of lawful age, being duly sworn, deposes and says:-

Q-1. Please state ~~to~~ your relationship, if any, to William E. Neff.

A-1. I am his half-sister.

Q-2. Are you acquainted with Mary E. Neff, his wife?

A-2. I am.

Q-3. How long have you known her?

A-3. I have known ^{her} since we were both little girls, and I am now 30 years old.

Q-4. Where has Mary E. Neff lived for the last 3 or 3½ years?

A-4. At her father's, as I understand. I saw her there once and talked to her a little while.

Q-5. Did you visit her and Will while they were living together and keeping house?

A-5. Yes, I visited them once.

Q-6. Please state, on that occasion, what the treatment of Will was towards his wife.

~~Any~~ Any answer given to the foregoing question is objected to, because after the question had been asked, the plaintiff took the witness off the stand and had a secret talk with her.

R. L. Pennington, Atty.

In answer to this attempted reflection on the witness, and the plaintiff, council for the plaintiff desires to state that the question was propounded to the witness, with the expectation that council for the defendant would be in, and in waiting for him more than half an hour, the witness left the stand and circulated freely with the eight or ten people present, and ~~that~~ she was not taken off the stand by the plaintiff at all.

C. T. Duncan, Atty. & c.

A-6. Well, he was real good and kind toward her in every way. *

Q-7. What was her treatment towards him, and state whether or not she was cheerful or otherwise.

Objection: The latter part of the foregoing question, as to whether the defendnat in this case was cheerful or not, upon the

occasion referred to, is objected to, because if answered one way or the other such answer would not be material to the issue involved in this case and does not prove or disprove any of the issues involved.

R.L.Pennington, Atty.

A-7. She seemed a little cool toward him, and she was not cheerful, but was crying.

Q-8. How long did you stay there, and if any body went home with you state who it was?

A-8. I stayed there from 3 to 4 hours; Willie started home with me; he asked his wife to go with me, and after a while, she agreed to go, and he saddled the horse for her and she went home with me.

Q-9. How long did she stay?

A-9. She stayed all night.

Q- 10. Please state when she prepared to start home, if you asked her to take anything to your brother, and if so, state what it was and what she did or said about it.

A-10. I asked her to take Willie some apples, and she refused and said he did not need them.

Objection: The foregoing answer is objected to because immaterial and irrelevant.

R.L.Pennington, Atty.

Q-11. How long was this before she went to her father's and failed to return to her home?

A-11. It was just a few days; I think she went to her father's the next Sunday. ~~He~~

* Continuing the answer to question number 6, I desire to further state that Will had the water carried for his wife and seemed to do everything to please her. He had the wood, water, and hired some one to help her to get the dinner. I was surprised to see that he was so brought under, and good to her, and pecked around,

Cross-examination.

Q-1. Who did he hire to help get dinner that day?

A-1. She told me she was a Young.

Q-2. This Young woman had brought some berries there that day had she not?

A-2. I think she had.

Q-3. Mr. Neff or his wife had bought the berries from the woman had they not?

A-3. Yes sir; Willie had bought the berries.

Q-4. About how many berries were there.

A-4. There were some two, three or four gallons; I think they were black berries.

Q-5. Did the Young woman eat dinner there that day?

A-5. She did.

Q-6. You say that Mr. Neff hired this woman to help get dinner, what did he pay her?

A-6. I do not know how much he paid her.

Q-7. Do you know that he paid her anything.?

A-7. Yes sir; I seen him.

Q-8. If you saw him pay her for helping get dinner, why is it that you cannot state how much he paid her?

A-8. I heard him tell her he would pay her for her berries and helping get dinner. I was not sticking around to see how much he paid her, but I saw her getting things out of the store.

Q-9. How much charge did she make for helping get dinner, when Will told her that he would pay her for helping get dinner?

A-9. I do not know about that, as it was something I was not paying any attention to.

Q-10. Are you certain that she made any charge at all for the little help she rendered about getting dinner?

A-10. I think he told her he would pay her something for helping get dinner, I don't think she fixed any amount, but I think he went and gave her some tobacco.

Q-11. Did Mr. Neff engage this woman to help get dinner, or did she volunteer her help to get dinner after she had brought the berries?

A-11. He told her that ~~he~~ he wished she would help Mary get dinner, and told the little boy that was with her to go and bring some wood.

Q-12. You say that Mr. Neff had some one to carry in the wood and water, was not the spring from which the water was gotten a considerable

distance away and up a considerable hill?

A-12. I do not know any thing about the spring.

Q-13. How do you know that he kept the wood and water carried into the house?

A- 13. I stated that he did that that day while I was there. I do not mean to state that he did that as a general thing, as I do not know as to that.

Q-14. In you examination in chief, you stated ~~xxxxxxxxxxxx~~ that Mr. Neff asked his wife to go home with you and after awhile she agreed to go. Please state if you invited her home with you before Will asked her to go.

A-15. I invited he to go home with me, but I cannot say whether it was before or after Wilkie had asked her.

Q-16. Did she make any objections to going home with you?

A-16. I think she said she could not go, that she had her berries to can. Willie told her to go ahead and can her berries and get ready and go.

Q-17. And did you not assist her in canning the berries and getting off with her that afternoon?

A-17. I did not do anything as I remember of, but she canned the berries and then went with me.

(?) Q-18. You stated in your examination in chief that she was crying that day. Will you please state what she was crying about.

A-18. I do not know, but she stated that people were talking about her.

Q-19. What kind of talk; that is, was it with reference to her and her husband?

A-19. She did not say what kind of talk.

Q-20. Did she not tell you that her husband himself had been saying very imprudent and ugly things to people over the country about their relations with one another?

A-20. She did not.

Q-21. On that day that you were there, did she ^{not} show you the things about in the house, in way of furniture and other fixtures, and after

she had shown you these things did you not remark to her, ~~that~~ "it was too much?" ^{Meaning thereby that they had too much in the house.}

A-21. She did not show me anything as I remember of, except a set of spoons; and if I used the language above I do not remember anything about it.

Q-22. Had you not along with other members of your family, including your father and Will Neff, talked together and complained that Mrs. Neff's father had given Mary too much furniture and ought to have given her instead money or something that could have been used to make money, and had you not talked together that a portion of this ^{uff} ~~stuff~~ ought to be sold and invested in the store, or somewhere where it would bring some return?

A-22. There was nothing of the kind; no such conversation or talk was ever handled that I know anything about.

Q-23. What kind of apples did you have at your house at the time you spoke of in your examination in chief?

A-23. Early June, red stripped apples.

Q-24. Were they the first apples of the season that year?

A-24. Yes sir.

Q-25. Did you grow them on your own premises or get ~~it~~ them elsewhere?

A-25. We raised them. We lived then at the Lucas place in Tenn.

Q-26. Had you offered Mrs. Neff any of the apples of the kind that you say that you offered to send to your brother during her visit spoken of above?

A-26. I had.

Q-27. What time in the year ^{do these apples} ~~spoken of~~ mature?

A-27. I do not remember, but along about the latter part of June or the first of July. They are the first apples that get ripe on our place.

Q-28. Is this as early apple as you know of in the country?

A-28. It is as early as I know of.

Q-29. ~~How~~ many apples did you offer to send by Mrs. Neff to your brother?

A-29. I never got any amount of apples, I just told her that I would

like to send some apples by her to him, and she said he did not need them, and I did not get them.

~~And~~ And further, this deponent sayeth not.

M. E. Anderson,
.....

Martha Medlock, a witness of lawful age, being first duly sworn, deposes and says:-

Q-1. Do you know William E. Neff, and how long have you known him?

A-1. I do; I have known him ever since he was a kid.

Q-2. Do you know his wife Mary Neff; If so, how long have you known her?

A-2. I make out to know her when I see her. I have known ^{her} in this way ~~for~~ several years.

Q-3. Did you hear of the fact of her going back to her father's and ^{not} returning again to live with Mr. Neff.

A-3. I never heard of it until after she was gone. I heard of it then.

Q-4. On the day she went back to her father's and did not return, did you see her and William Neff; if so, where did you see them?

A-4. Yes sir; I saw them at Will's father's, Jefferson Neff.

Q-5. On that day, did you hear Mary have any talk with Jefferson Neff's wife; if so, state what ^{did} she said?

A-5. I did. She said that William Neff would never remember finding a kid by her; and that is just all I know.

Q-6. Is Jefferson Neff's wife, with whom, or to whom, this conversation was had, now living or dead?

A-6. She is dead.

Cross-examination.

Q-1. What time in the day did Bill Neff and his wife come to Mr. Neff's?

A-1. About ten or eleven o'clock, I reckon. They were there for dinner.

Q-2. Were you staying and working at Mr. Neff's as cook, or in what capacity were you staying there?

A-2. I was living with them and doing anything they wanted me to do.

Q-3. Did you cook dinner on the day you referred to above?

A-3. I did.

Q-4. Did you see Mr. and Mrs. Will Neff before you got dinner ready?

A-4. I did.

Q-5. Had you had any talk with Mrs. Neff or had you heard any talk between her and Will's mother before dinner?

A-5. I had not had any talk with her. I heard what I told you I heard above between her and Will's mother.

Q-6. Did this conversation occur before or after dinner?

A-6. Before dinner.

Q-7. In which room of the house was it?

A-7. They were in the sitting room adjoining the kitchen.

Q-8. Were you in the same room, or were you in the kitchen at the time you heard this statement?

A-8. I was in the kitchen.

Q-9. What were you doing at the time you heard this talk?

A-9. I was getting dinner.

Q-10. What particular part of the dinner were you attending to at this time?

A-10. I was setting the table.

Q-11. Who else was in the room with Mary besides Will's mother?

A-11. No one else at all.

Q-12. What did Mrs. Neff, Will's mother, say just previous to the statement you have just detailed that Mrs. Will Neff said?

A-12. I do not recollect.

Q-13. Were they carrying on a conversation at the time?

A-13. They were.

Q-14. Please give ^{the} ~~A~~ whole of the conversation you heard.

A-14. I have told you once all I heard, and all I am going to tell you.

Q-15. You stated above that you heard other conversations; now why is it that you refuse to tell the other part of the conversation?

A-15. I stated above that I heard other talk, I do not know what was

said. I have told you above all that I heard.

Q-16. Please tell what else was talked about while you were in the kitchen and Mary and Will's mother were in the sitting room.

A-16. I cannot; I do not know.

Q-17. Did you eat dinner that day in the same room the dinner was cooked in?

A-17. We did.

Q-18. What time in the year was it that you heard this talk?

A-18. I do not recollect what time in the year it was. It was some-time about four year ago.

Q-19. Was it in the spring, summer, fall or winter?

A-19. It was in July or August one, I do not know which, I naver paid any attention to the time.

Q-20. How old are you?

A-20. I am about 50 years old I reckon.

Q-21. Where do you live?

A-21. I am now living on H.C.Anderson's land.

Q-22. Do you live alone?

A-22. My sisters live with me.

Q-23. What are you sisters names?

A-23. Mary and Lucy.

Q-24. Are either you or your sisters married?

A-24. We are not.

Q-25. Have either you or your sisters any children?

Q-25. I have no children, one of my sisters has one child.

Q-26. Is it black or white or mixed?

This question is objected to because irrelevant, immaterial and directly contrary to law and to various decisions of the Supreme Court of this state which is well known to the council asking the question or should be known to him.

C.T.Duncan, Atty.

A-26. It is not so black or so white; I reckon it is a mixed child.

Q-27. What is your occupation now?

A-27. Anything I can make a living at, or can do.

Q-28. Do you not mainly get your support doing washing for the folks in the neighborhood in which you live?

A-28. By washing, hoeing corn or anything that comes up.

~~And~~ And further, this deponent sayeth not.

Witness claims 50 cts.

*...^{Lucy} Martha X McEllock.....
Mark*

Elizabeth Ellis, a witness of lawful age, being duly sworn, deposes and says:-

Q-1. Were you acquainted with W.E. & Mary E. Neff while they lived together?

A-1. I was.

Q-2. Were you about them during the time they lived together; what did you do for them; and how much were you about them?

A-2. I was about them during the time they lived together. I worked for them. I was there a right smart. I done her work, such as washing most of the time they lived together.

Q-3. State whether or not William was good and kind to his wife while you were about them.

A-3. He was kind to her what time I stayed there; I do not know how they got along afterwards.

Q-4. State, if you know, who carried in the water and made the fires?

A-4. Mr. Neff or a little boy that stayed with them carried the water and built the fire in the stove while I was there. I never saw Mrs. Neff carry any water or build any fires while I was there.

Q-5. What was the treatment and temper of Mrs. Neff towards Bill?

A-5. I never saw her mistreat him while I was there; she was not talkative to him or to any one while I was there; she did not talk much to him or to me either while I was there.

Q-6. If you ever heard Mr. Neff or his wife say anything about kids or babies, please state what they said.

A-6. I did; I heard Will one day when I was over there say that he was so nice fixed in his house that all he lacked was a little kid or baby. I told him that I wished he had about 25. His wife told him that he would never be able to buy one.

Q-7. How long was this before she left and did not return?

A-7. It was along in the summer pretty shortly after they moved down to Ann, Va.

Q-8. Has Mary Neff ever been back to her husband's home or to where they were living since she left there, now nearly four years ago?

A-8. I could not tell you; I have never seen her.

Q-9. Were they well and comfortably situated in their house?

A-9. I thought they were well fixed; they had plenty in their house.

Q-10. Did they keep plenty to eat?

A-10. Yes sir, they kept plenty to eat while I was there.

Cross-examination.

Q-1. How old are you?

A-1. I am 52 years old.

Q-2. Have you any children? How many?

A-2. Yes sir; I have three.

Q-3. Is your husband living?

A-3. I never was married.

Q-4. Your children then are illegitimate?

A-4. They are.

Q-5. Where do now live?

A-5. I live on Mr. George Minton's land, about 15 miles from here.

Q-6. Do you live in a house by yourself or with some one?

A-6. I live in a house with my ^{son} ~~self~~, who is grown and married.

Q-7. Do you make your own support, or does your son furnish it to you?

A-7. My children furnish me the principal part of what I go on; I wash about some for people.

Q-8. When did Mr. Neff first approach you about being a witness in this case?

A-8. It was day before yesterday evening.

And further this deponent sayeth not.

her
Elizabeth X Ellis
Mark

*Witness claims 10 miles
+ 50 cts = 90 cts*

Miss Mollie Scott, a witness of lawful age, being first duly sworn, deposes and says:-

Q-1. Are you acquainted with Mary E. Neff, wife of W.E.Neff?

A-1. I never saw her but one time to know her, and that was at the Association at Jonesville last year.

Q-2. On that occasion ^{if so,} did Mrs. Neff have any conversation with you about her husband; please state what she said as near as you can remember it.

A-2. I had a conversation with Mrs. Neff. She asked me some question concerning Mr. Neff. She told me that she would give him a divorce for \$1000.00. She asked me if I had ever heard anything said, or if I heard him say anything about getting a divorce, or at least had ever heard any talk about it in any way. I told her I had not myself heard him say anything about it. This is all I remember.

Q-3. Was it after she had asked you whether you had ever heard Mr. Neff say anything about getting a divorce, or before, she used those words that she made the remark that she would give him a divorce for \$1000.00?

A-3. It was afterwards I think.

Cross-examination.

Q-1. How old are you?

A-1. I am 28 years old, and am single.

Q-2. Where do you live?

A-2. I live about 10 miles west of Jonesville, and live with my father on his farm. My father's name is A.J.Scott.

Q-3. How far do you live from where W.E.Neff is selling goods?

A-3. From a half to a mile.

Q-4. When was the last time you talked with Mr. Neff about being a witness in this case?.

A-4. Last Saturday.

Q-5. Did you tell him what you have stated in this deposition?

A-5. I did.

Q-6. Had he ever talked about it before?

A-6. I don't recollect that he ever had.

Q-7. Did you know Mrs. Neff prior to the last association?

A-7. That was my first acquaintance with her.

Q-8. Did you introduce yourself to her?

A-8. I do not recollect.

Q-9. By way of refreshing your memory, I ask you to state if on that ~~Saturday~~ day you did not hear some of Mr. Mise's folks ask her to take dinner with them, calling her Mrs. Neff, and did you not eat dinner with Mr. Mise's family that day, and did not Mrs. Neff eat dinner with Mrs. Sparks' family, and after dinner was over did not you go to where Mrs. Neff was and ask her if that was not Will Neff's wife, and to which she replied that it was, and did you not then ask her very kindly if she had any objections or would allow any one to talk to her on the subject of herself and Mr. Neff, to which Mrs. Neff replied that she had no objections, if nothing was said out of the way, and was not this the way in which you and Mrs. Neff first became acquainted? If it was not exactly as I have stated in the question, please state just how it was as you recollect.

A-9. It was not exactly as stated by you in the question. I did not eat dinner with any one that day, although I was around the tables of Mr. Mise and Mr. Sparks, who had their dinners together. I did not eat any dinner myself. As well as I can recollect our acquaintance came about about as you have stated. I did not pay much attention to the matter. I did not charge my memory.

Q-10. In the same conversation, or on the same occasion at least, did not you and her talk about fixing up the differences between her and her husband?

A-10. We did not.

Q-11. Did you not ask her if she would give Mr. Neff a divorce, and did she not reply that she would, but not for less than \$1000.00, or words to that effect?

A-11. I did not ask her that question.

Q-12. Did you and her not stay together most all of that afternoon? and part of the next day?

A-12. I think I was with her about half that afternoon on Saturday and during the services on Sunday.

Q-13. During that time you were together, did you and her not talk together about the matter of separation of her and her husband, of trying to get the differences reconciled, and also about the divorce?

A-13. She asked me some questions about Mr. Neff, or some few questions.

Q-14. Did she not ask you if you had heard anything about Will trying to get a divorce, and did you not tell her that you had heard some talk of it, and that he had said he would have brought suit long ago, but that people had told him if he did it would break him up, or words to that effect?

A-14. I did not use any such language. She asked me if I had ever heard him say he was going to get a divorce, or heard any one else say, I told her that I had not.

Q-15. Was there anything at all said in the conversation you had with her about fixing up the differences and going back and live together?

A-15. I do not recollect. As I told you in the beginning, I did not charge my memory with the conversation.

Q-16. By way of refreshing your memory, I will ~~ask~~ ask you to state if Mrs. Neff did not ask you to tell Will to come over and see her and they would talk the matter over?

A.-- No sir.

Q-16.-- Was not the object of your conversation with her to try to get this man and wife back together?

A.-- It was not. I was not interested in it any way at all.

Q-18.-- I will ask you to state then why it was you approached this woman in reference to this very delicate matter when your object was not to try to conciliate matters and ask her if she objected to talking about it, when you say that you have no interest in the matter at all?

A.-- I had no particular object in view; we just fell in together, and she ask me some questions concerning Mr. Neff as I have ~~to~~ told you several times.

Q-19.-- Did you not just state above that you asked Mrs. Neff if she had any objection to you talking about the matter?

A.-- I did not.

Q.20.-- Why was it that you approached Mrs. Neff and asked her if she was Will Neff's wife?

A.-- Because I wished to know, I suppose.

Q.21.-- What was your object in wishing to know?

A.-- Nothing particularly.

Q.22.-- Is it not a fact that ^{you} were interested in Mr. Neff?

A.-- No sir; I was not interested in him at all.

Q.23.-- Do you not frequently visit his store, laugh and talk with him on terms of familiarity, as much, or more so, than if he were a single man?

A.-- I go to the store very often, when I have business to go, and I talk with Mr. Neff just as I would talk to you or any other man with whom I have business.

Q.24.-- At the time of the Association above spoken of, did not Mrs. Neff tell you that she had heard that Mr. Neff had bought and put upon the arm of a girl by the name of Andis, a bracelet, and did she not ask you to ascertain for her whether or not this was true and did you not promise her that you would do so?

A.-- I don't recollect that Mrs. Neff told me that she had heard that Mr. Neff had bought a bracelet and given it to a girl by the name of Andis; I am not certain about that, ^{she might have} and I have no recollection of her asking me to ascertain whether or not this was true, or of my promising to find out for her.

And further, this deponent saith not.

M. E. Scott

Witness claims 5.00cts.

The further taking of these depositions is continued until tomorrow morning at nine o'clock at the same place.

..... *A. M. Goins*
Comr.

June 11, 1903

Met pursuant to adjournment.

..... *A. M. Goins*
Comr.

Harrison Orrick, a witness of lawful age, being first duly sworn, deposes and says:-

Q-1. State how old you are.

A-1. I am 14 years old.

Q-2. Did you live with W.E.Neff and his wife any time, if so, how long?

A-2. I did live with them four months.

Q-3. How long ago has that been?

A-3. Four years ago.

Q-4. During the time you lived with them, who got you to stay there?

A-4. W.E.Neff.

Q-5. State whether or not Mr.Neff was kind and agreeable to his wife.

A-5. He was.

Q-6. State whether his wife was kind to him?

A-6. Not much.

Q-7. State anything you ever saw her do to him.

A-7. I saw her spit in ~~his~~ face three times, over an iron; I mean over a smoothing iron.

Q-8. Where did she sleep during the time you stayed with them, ^{when} ~~she~~ was at home?

A-8. She slept by herself, in a different room a part of the time.

Q-9. State if you know, when she was sleeping by herself in a different room, whether or not she kept the door locked between her and Mr.Neff.

A-9. She kept it locked some times.

Q-10. When this was going on, state whether or not you ever heard Mr.Neff beg her to sleep with him?

~~A~~ The foregoing question is objected to because immaterial.

R.L.Pennington, Atty.

A-10. I did hear him beg her two or three times.

Q-12. What would she ^{say} ~~or~~ do when he would beg her?

A-12. She would not do it,

Q-13. Did you ever hear her say anything about having any babies, if so, what did she say?

A-13. She said she would never have any kids by baldheaded Bill Neff.

Q-14. Were you there when ^{she} ~~she~~ and Mr. Neff left to go to her father's and she did ⁿ't come back?

A-14. I was.

Q-15. State whether or not she came back home with him.

A-15. She did not.

Q-16. How long did you stay with Mr. Neff after she left?

A-16. A week.

Q-17. During that week please state if Mr. Munsey came there after any of Mrs. Neff's property?

A-17. He did; he came there after a cow.

Q-18. A few days before she left on that Sunday, state whether or not Mrs. Neff sent you to the store after any boxes for her?

A-18. She sent me for two wooden boxes.

Q-19. Did you get them?

A-19. I got them for her.

Q-20. Tell, if you know, what she did with the boxes.

A-20. She put her things in them.

Q-21. How many days was that, as nearly as you can tell, before she left?

A-21. About three or four days.

Q--22. Tell whether or not there was any shooting around down there about Bill Neff's home, and who did it?

A-22. I saw some shooting; Mrs. Neff did it.

Q-23. Where was Will when she done the shooting?

A-23. He was coming from Surgener's.

Q-24. Did she say anything to him when he came up about the shooting; if so, tell what she said as nearly as you can remember it.

A--24. She said she would shoot him.

Q-25. Do you know what caused her to do that shooting?

A-25. She was mad and mean.

Q-26. Do you know what she was mad at?

A-26. No, sir.

Q-27. Was it in the day time or in the night she was doing that shooting?

A-27. It was about 5 o'clock in the evening.

Q-28. Before Mrs. Neff left her home, as stated by you above, did you ever hear her say anything about leaving; if so, tell what she said?

A-28. I heard her say something about leaving. I have forgotten the last of what she said, but she said she would leave him. *X See Ques -*
(+ Ans 84. on page 45)
 The foregoing answer, as written above, as the answer of the witness, is objected to because the answer of the witness is not expressed in the language used by him, and because the officer taking the depositions refuses to state the answer of the witness in the identical language used by him as attorney for the defendant understood him and insisted upon its being written.

R.L.Pennington, atty. for deft.

The commissioner emphatically denies the above statement as true. He has done everything in his power to get down in exact terms exactly what the witness stated. The Commissioner has no interest whatever in the case, and has no desire to write anything except what the witness has said, and he calls upon the bystanders to witness the fact that he has recorded what the witness has said.

A. M. Goins, Commissioner in Chy.

There is no reflection intended upon the officer taking these depositions whatever, and the attorney for the defendant present thinks that the officer became unnecessarily offended, and while he believes that the officer was trying to get the sense of what the witness had said he did not think that he was getting his language, and therefore made the objection thinking that the construction which the officer put upon the answer was different from the meaning as it presented itself to the attorney for the defendant.

R. L. Pennington, atty.

~~as the answer of the witness, as written above by the Commissioner,~~

The answer of the witness, as written above by the Commissioner, is exactly as we understood the witness to answer, and we have no reason to believe, and do not believe, that the Commissioner would intentionally misquote a witness ~~in favor of or against either party to the suit.~~

C.F.Duncan and B.H.Sewell, attys. for plff.

X-Examination.

Q-1. Where do you live?

A-1. I live in Lee county, on Sugar Run.

Q-2. Who do you live with?

A-2. Will Orick.

Q-3. What do you do?

A-3. Work in the cornfield.

Q-4. Did you ever go to school any?

A-4. Yes, sir.

Q-5. When was the first school you ever went to?

A-5. When I was six years old.

Q-6. Could you read and write when you was staying at Mr. Neff's?

A-6. I could read a little, but could not write much.

Q-7. What do you study now when you go to school?

A-7. Third reader and arithmetic.

Q-8. How do you know you stayed at Will Neff's four months?

A-8. I counted it up.

Q-9. When did you count it?

A-9. I counted it up about a year ago.

Q-10. How many years was that after you quit staying there?

A-10. Four years.

Q-11. How did it come about that you got to counting it up about a year ago?

A-11. I just got to thinking about it.

Q-12. What made you think about it at that time?

A-12. I just happened to think about it.

Q-13. Had Mr. Neff been to see you about being a witness in this case about that time, that you got to counting it up?

A-14. Yes, sir.

Q-15. Did Mr. Neff tell you what he wanted you ~~you~~ to state in the case?

A-15. He said he wanted me to tell all I knowed.

Q-16. Did you tell him what you knew then about the case?

A-16. Yes, sir.

Q-17. What months in the year was it that you stayed at Mr. Neff's?

A-17. June that I went there.

A-17. June when I went there; I left in Sept. June July, Aug. & Sept.

Q-18. Did you ever see Mr.Neff while you were staying there at his house slapping his wife's jaws while they were fursing at each^other?

A-18. I never seen it.

Q-19. When the smoothing iron difficulty, or fuss, came up, Mrs.Neff had sent you to borrow some smoothing irons from Mr.McClures, had she not?

A-19. She had.

Q-20. When Mr.Neff came in and found that his wife had sent you to the irons. borrow, he fussed and quarreled about it didn't he? Tell what he said about it.

A-20. He said she could have irons from the store. He did not fuss and quarrel about it.

Q-21. He made you take the irons back, didn't he, before she used them?

A-21. No, sir.

Q-22. Who took the irons back?

A-22. I took them back after she got done ironing.

Q-23. Is it not a fact that you were made to take those irons back before they were used, and did not Mrs.Neff try to get you to just let them alone, and Mr.Neff made you take them back any way?

~~XXXX~~ The first paragraph in this question is objected to, because the witness has just answered, in his second answer above, that very question.

C.T.Duncan, Atty.

A-23. It was not a fact; Mrs. Neff did not try to get me to let them alone, and Mr.Neff did not make me take them back.

Q-24. Then they had no fuss about the smoothing irons did they?

A-24. She spit in his face.

Q-25. What was he doing when she spit in his face?

A-25. He was not doing anything.

Q-26. Was he saying anything?.

A-26. No, he was not saying anything.

Q-27. Was he sitting up, standing up, or lying down?

A-27. He was standing up.

Q-28. Were they both in the same room at the time?

A-28. Yes, sir.

Q-29. Which room were they in?

A-29. In the big house; in the sitting house.

Q-30. Without him saying a word to her, or she saying a word to him, she just walked up and spat in his face, did she?

A-30. He said she could get irons there in the store, and she walked up and spit in his face.

Q-31. How many times did he tell her that she could get irons in the store?

A-31. About twice.

Q-32. Did he tell her that he did not want her to be going around borrowing irons; that she could get irons at the store?

A-32. No, sir.

Q-33. Did he have any objections to her borrowing the irons?

A-33. I do not know.

Q-34. Why then did he tell her she could get irons at the store?

A-34. Because it was closer.

Q-35. Did he say it was closer, was the reason?

A-35. He said she could get irons there at the store, it was closer.

Q-36. Then he did not want her going around borrowing irons, did ~~he~~ he?

A-36. He never said anything about it.

Q-37. Are you sure and certain that Mrs.Neff used those irons before you took them back to Mr.McClure's?

A-37. Yes, sir.

Q-38. Where did Mr.Neff sleep during the time you stayed at Mr.Neff's?

A-38. He slept part of the time at the store and part of the time at the house.

Q-39. Where did he stay the first night you went there?

A-39. He stayed in the store house.

Q-40. What time did you get there that day that you went to stay with Mr.Neff?

A-40. About the middle of the evening.

Q-41. Where did Mr.Neff tell you you could sleep?

A-41. He never told me at all.

Q-42. Did he tell his wife where to put you to sleep?

A-42. He did not.

Q-43. In your examination in chief, you said that Mrs. Neff said, "She would never have any kids by baldheaded Bill Neff". When did she tell you this, if you know?.

A-43. She told him that. It ^{was} while I was staying there; sometime after ~~Q-43~~ I had been there.

Q-44. Tell just exactly the words she used about that.

A-44. She said she was not aiming to have any kids by baldheaded Bill Neff, and she hit him with a stick of candy.

Q-45. Were they having a fuss?

A-45. No, sir.

Q-46. Were they playing with each other?

A-46. No, sir.

Q-47. What did Mrs. Neff put in the boxes she sent you after, was it bed clothes?

A-47. Some clothes and some bed clothes.

Q-48. Was there one or two of the boxes, or three?

A-48. There ~~was~~ two.

Q-49. Did you not burst up some of those boxes you had got at the store for wood?

A-49. No, sir.

Q-50. Did you never go to the store and get some boxes and burst them up for wood?

A-50. No, sir.

Q-51. What time in the day was it when you got the boxes?

A-51. It was in the morning, along up towards dinner.

Q-52. Did you carry both of the boxes at one load?

A-52. I never carried the boxes; she brought them.

Q-53. Then Mrs. Neff went and got the boxes herself, did she?

A-53. Yes.

Q-54. Question 18 of your examination in chief, Judge Duncan and Mr. Sewell asked you this question, "A few days before she left on that Sunday, state whether or not Mrs. Neff sent you to the store after

any boxes for her?" In answer to which you said, "She sent me for two wooden boxes". These attorneys then asked you this question, "Did you get them?" In answer to which you said, "I got them for her." Now why is it you told me that Mrs. Neff got the boxes her self, and why was it you told the other gentlemen that Mrs. Neff sent you after the boxes and you got them for her?

A-54. I got them and left them, is what I meant.

Q-55. Got them where?

A-55. At the store.

Q-56. ~~Left~~ them where?

A-56. At the store.

Q-57. Where were you when the shooting you told about occurred?

A-57. I was with Bill coming from Pig Surgner's.

Q-58. How far from Pig Surgner's were you when you heard the shooting?

A-58. I was behind Mr. Neff's house, where I stayed.

Q-59. How far from the house were you?

A-59. 15 steps, guessing at it.

Q-60. Where was Will Neff?

A-60. He was in front of me.

Q-61. Where was the shooting you saw?

A-61. In the yard, in front of the front door.

Q-62. You were on the back side of the house, were you not?

A-62. Yes, sir.

Q-63. Now, if you were on the back side of the house and she were on the front side of the house, how could you see?

A-63. She just shot once before we got there.

Q-64. Then you did not see the shooting, did you?

A-64. Yes, I saw her shoot once.

Q-65. In which hand did she have the gun?

A-65. She had in both of them.

Q-66. How could you see her with the gun in both hands when she was on one side of the house and ~~she~~ ^{you} on the other; could ~~you~~ see over the top of the house?

This question is objected to, because it is assuming a state of facts different to which the witness has testified; the witness has stated that there was only one shot fired while he was behind the house, and that another shot was fired after he got there, meaning after he got to where Mrs. Neff was, which last named shot he saw.

C.T. Duncan, Atty.

A-66. She shot once after we got around there.

Q-67. Was not this answer which you have just given suggested by the objection which Judge Duncan has just dictated to Mr. Goins?

Objected to, because my objection states exactly what it is, and the foregoing answers of the witness show exactly what the witness says, and that shows that ~~he~~ she says one shot was fired before and the other after ~~he~~ ~~she~~ was behind the house.

C.T. Duncan, Atty.

A-67. No, sir.

Q-68. In your examination in chief you said in answer to question 22, "I saw some shooting; Mrs. Neff did it". In answer to question 57 of cross examination, which question was, "Where were you when the shooting you told about occurred". In answer to which you said, "I was with Bill coming from Pig Surgner's". You were then asked, "How far from Pig Surgner's", and you said you were behind Mr. Neff's house--15 steps, guessing at it". Now why is it that you did not tell me that you were on the front side of the house when you saw this shooting, instead of answering the questions as you did above?

The foregoing question and any answer thereto is objected to, because the witness has told the examiner, in the quotations he has just made in his question, just exactly where he was, and it is improper to ask him to tell why he was not at another place.

C.T. Duncan, Atty.

A-68. I do not understand the question.

Q-69. How many shoots did you hear?

A-69. Two.

Q-70. Where were you standing when you saw Mrs. Neff shoot the gun off?

A-70. In the yard.

Q-71. In the front or in the back?

A-71. In front.

Q-72. How close were you to Mrs.Neff?

A-72. About ten steps.

Q-73. How much closer if any was Mr.Neff?

A-73. He was not any closer; he was in front of me, sorter on my side; he was about eight steps, two steps closer than me.

Q-74. Were you and Mr.Neff coming pretty fast after you heard the first shot?

A-74. Not much.

Q-75. How many steps do you guess it to be from where you heard the first shot to the place where you were when the sencond shot was fired, which you say you saw?

A-75. About 20 steps.

Q-76. What kind of a gun was that Mrs.Neff had? Was it a rifle, single shot, or shot gun, single or double barrellled?

A-76. It was a doubled barrel shot gun.

Q-77. What did Mr.Neff say to his wife when he came up?

A-77. He asked her if she could shoot.

Q-78. What did she say?

A-78. She said yes she could shoot, and would shoot him too.

Q-79. She was pretty mad about it, was'nt she?

A-79. I do not know.

Q-80. Did she talk like she was mad?

A-80. She talked like she was mad.

Q-81. What did she do with the gun after you and Mr.Neff came?

A-81. She set it down in the room in the ~~main~~ corner.

Q-82. In your examination in chief, you stated that Mrs.Neff said that she would shoot him. In answer to my question you say that she said she could shoot him. Which is right?

A-82. She could shoot him.

Q-83. Do you know what Mrs.Neff was shooting at that night, if it was night?

A-83. I do not know.

Q-84. Do you know what caused her to do that shooting?

A.--I do not.

Q.85.-- In answer to this same question, No. 25, in your examination in chief, you said, "She was mad and mean". Now why did you tell the other gentlemen that she was mad and mean was the reason she did the shooting, and then tell me when I ask you the same question that you did not know why?

A.-- I thought you meant what she was shooting at.

Q.86.-- Do you remember what she was mad about?

A.-- I do not.

Q.87.-- What made you think she was mean?

A.-- Cause she was shooting.

Q.88.-- Did Mrs. Neff ever say anything to you or any other person in your presence about leaving Mr. Neff?

A.-- She never said anything about it to me, and did not say anything to anybody else in my presence.

Q.89.-- How old were you when you were staying at Mr. Neff's?

A.-- I was ten years old.

Q.90.-- Have you told everything that you remember about the shooting?

A.-- I have.

Q.91.-- When you went up to Mr. Surgener's with Mr. Neff, did you and Mr. Neff find Mr. Surgener at home?

A.-- I was with Mr. Neff at Surgener's, and he was up there.

Q.92.-- Did Mr. Neff and Mr. Surgener have any talk about anything, if so, what was it they talked about?

A.-- No, sir.

Q.93.-- How long did you and Mr. Neff stay?

A.-- Did not stay long.

Q.94.-- Who did Mr. Neff talk to while he was up there?

A.-- Mr. Surgener.

Q.95.-- Who did Mr. Surgener talk to while Mr. Neff was up there?

A.-- With Mr. Neff.

Q.96.-- Now in answer to question 92, in which I asked you if Mr.

Surgener and Mr. Neff had any talk about anything, to which you answered, "no, sir," then I asked you in question 94, who did Mr. Neff talk to while he was up there, and you said Mr. Surgener, and then I asked you who Mr. Surgener talked to while Mr. Neff was up there, and you said with Mr. Neff. Now why is it that you tell me in one place they had no talk about anything, and yet in another question say they both talked to each other?

A.-- I thought the first time that you meant Mrs. Surgener.

~~REMARKS~~

And further, this deponent saith not.

Harrison Orrick

Witness claims do do

D.S. Ely, a witness of lawful age, being first duly sworn, deposes and says:-

Q-1 State your age, residence and occupation.

A-1. I ~~will~~ be 49 the 28th of this month; Beech Springs, Va.; a farmer.

Q-2. Are you acquainted with William E. Neff and Mary E. Neff his wife?

A-2. I am.

Q-3. State if you have gone to see Mrs. Neff at any time since the Nov. term of the Circuit court at the request of Wm. Neff, and if so, what did you go for?

A-3. Yes, sir; I went. I went with Dow Smith, we went to take a letter over there.

Q-4. I will ask you if that letter was read to you, and I now hand you what purports to be a copy of said letter, and ask you to examine it and say whether you think it is a copy of the letter you carried and delivered to Mrs. Neff, and I ask you to file it with your deposition, marked No. 1.

The foregoing question and answer thereto and the exhibit asked to be filed, is objected to, because said letter referred to is a proposition of compromise offered after the plaintiff had brought his suit, and upon that ground is inadmissible as evidence against the defendant; and further because the defendant's contention in this case is that she was deserted by the plaintiff, and for the number of years which the statute provides shall give her a divorce, and if she is right in her contention the plaintiff in this case cannot unmake her case by ~~not~~ offering to take her back to his home without her consent. And counsel for defendant desires to make this objection general to each and every piece of evidence that may be offered by the plaintiff in regard to a compromise or reconciliation which has occurred since the bringing of this suit, and by consent of attorneys upon the other side this objection is made once for all, and applies to exhibits ~~1, 2, 3, 4, 5, 6, 7, and note,~~ 1, 2, 3, 4, 5, 6, 7, and note, which are here filed subject said objection.

R. L. Pennington, Atty.

~~We~~ We, as attorneys for the plaintiff, agree that said objection may apply to each of said exhibits the same as if made to each ~~it~~

~~Separately.~~

Duncan & Cridlin and B.H.Sewell, Attys.

A-4. I think the letter you hand me is the same letter Mr.Smith and I carried to Mrs.Neff, and I file it marked as requested.

Q-5. Did you make any other visit to the place where Mrs.Neff is or was living, either for or with Mr.Neff?

A-5. I went over there with Will Neff.

Q-6. For what purpose did you and Mr.Neff go?

A-6. He asked me to go over there with him after his wife. We went in a two horse, two seated, open, spring, vehicle.

Q-7. Did ye git her?

A.-- No sir, she did not come.

~~RE~~

Cross Examination.

X.Q.1.-- Have you not been attending the taking of these depositions every day since we have been engaged therein?

A.-- Yes, sir, I have been here every day.

X.Q.2.-- Were you summoned by Mr. Neff to attend each day that you have been here?

A.-- I came to the carding machine the first day, and that was why I was here then. I was not summoned and have not been summoned at all.

X.Q.3.-- How did it happen that you have been here the other ~~a~~ days except the day you have already explained without being summoned?

X.Q.4.-- The most that I came for was to hear Will Neff testify, and I did not know what day he would be put on, and I came to hear the evidence generally.

X.Q.5.-- Have you been helping Mr. Neff get up his witnesses in this case, talking to people for him, finding out what he might be able to prove by different parties, and taking a general interest in his behalf?

A.-- I have not been helping him get up his witnesses. I have not been talking to people for him. I have been in conversation

with some of his witnesses, but no more than I would have talked to hers if I had been with them. I have not been taking any general interest in this suit in his behalf.

X.Q.6.-- Who took the letter when you and Dow Smith went to Mr. Munsey's?

A.-- Dow Smith.

X.Q.7.-- Why did you go?

A.-- Because Dow asked me to go with him, and Will might have asked me to go, I am not certain about that, but I guess the he did.

X.Q.8.-- Did they state why they wanted you to go, if so state what were their reasons?

A.-- I don't know as they^{did}, I don't think that they did. Dow might have wanted me to go for company, but don't know that he stated why.

X.Q.9.-- Did not Mr. Neff or Mr. Smith one or both of them, tell you that they wanted you to go with Mr. Smith as a witness to the fact that Mr. Smith should deliver the letter which he had to Mrs. Neff?

A.-- No sir, they did not.

X.Q.10.-- Did they not want you to go, and so state to you, as a witness to any statement that you might, along with Mr. Smith, get from Mrs. Neff?

A.-- No sir, they neith^{er} said anything about it when we went.

X.Q.11. How far was it from where you went with Mr. Smith over to Mr. Munsey's and back?

A.-- I don't know, it was the first time I was ever at Mr. Munsey's. I would think it was something like 18 miles there and back, or 9 each way.

X.Q.12.-- And you know of no other reason do you, why you were wanted to go except as company for Mr. Smith over there and back, do you?

A.-- I told you that I do not know why he wanted me to go, whether for company or not, if they had any other reason they did not name

it to me.

X.Q.13.-- Did you get any pay for going over there with Mr. Smith?

A.-- No sir, I never charged him anything. I went to the rail-
road one day ^{for him} and lost my gloves, and soon afterwards he gave me a
pair of gloves saying that I had been kind to him. I don't know
whether he intended this as pay for my going over ~~XXXXXXXXXXXX~~
to Mr. Munsey's or not. He was paying me for the hauling from the
railroad. Often when I am coming from the railroad I bring little
things for him and don't charge him anything for it.

X.Q.14.-- Did you not yourself expect when you went with Mr.
Smith that if anything was said by Mrs. Neff when you went to take
the letter with Mr. Smith, which would be of service to Mr. Neff in
this suit, to become a witness in his behalf?

Obj.-- The foregoing question and the answer thereto is objected
to as evidence, because the expectation of the witness, if he had any,
can in no way affect Mr. Neff, and for the further reason that said
question, like several that have preceded it is no part of the cross
examination, and the time has not come yet for the defendant to in-
troduce her testimony.

C.T.Duncan and B.H.Sewell.

A.--: I did not.

X.Q.15.-- Are you in the habit of riding with fellows long dis-
tances like 18 miles for no purpose that you know of except possi-
bly to keep them company?

A.-- No sir, I am not, and I would not make a habit of going with
him, but I went with him that time.

X.Q.16.-- What were you doing that day before you started with
Mr. Smith?

A.-- ~~XX~~ Are you a fool, or hard
of understanding? This is the ~~third~~ time that I have stated what
I was doing. I was moving Mrs. Greene to my place.

X.Q.17.-- What time in the day was it when Mr. Smith approached
you?

A.-- It was in the morning something near 10 o'clock I guess.
I think I had hauled one load.

X.Q.18.-- Who was helping you?

A.-- Mr. C.C.Blankenship, sr. was hauling with his team.

X.Q.19.-- I thought I understood you to say while ago, which statement was not written down, that you took your horse out of the wagon and your son put his horse in his stead, is this right?

A.-- Yes sir.

X.Q.20.-- Then you must have had more than one team.

A.-- Mr. Blankenship was hauling with his team and I was hauling with mine.

X.Q.21.-- Who did you get in your place to drive when you left the wagon and went with Mr. Smith?

A.-- Jessee Mise.

X.Q.22.-- How much did you pay Jessee Mise for taking your place?

Obj.-- Objected to because immaterial and no part of the cross examination.

C.T.Duncan and B.H.Sewell. for plff.

A.-- I got nothing for hauling and I paid Jessee nothing for taking my place.

And further this deponent saith not.

D. S. Edg

Witness claims so etc.

The further taking of these depositions is continued until to morrow morning at 9 o'clock at the same place.

..... A. M. Goins

Comr. in Ch'y.

June 12th, 1903: Met pursuant.

..... A. M. Goins

Comr. in Ch'y.

W.E.Neff, the plaintiff in this cause, a witness of lawful age, being first duly sworn, deposes and says:-

Q-1. State your age, residence and occupation.

A-1. I am 39 years old as shown by the record; I live at Beech Springs, Va.; and am a merchant and farmer.

Q-2. Please state as nearly as you remember when you and the defendant, Mary E.Neff, were married to each other.

A-2. I was thinking that it was about the 13th of April, 1899; the records will show.

Q-3. Where were you married?

A-3. At the residence of Jas.J.Munsey, in Lee county, Va.

Q-4. At the time of said marriage were you and the said Mary E.Neff both residents of Lee county, Va., and have you so remained residents ever since?

A-4. Yes, sir.

~~XX~~

All the testimony of this witness, in so far as the same relates to a divorce, is objected to, because he is an incompetent witness upon that question, and this objection is now made once for all in regard to his testimony, but defendant's counsel supposes that his testimony, in so far as the same may relate to the question of alimony involved in this case, he would be a competent witness.

R.L.Pennington, Atty.

Q-5. How long after your marriage till you and your wife went to housekeeping?

A-5. From eight days to two weeks.

Any testimony that this witness may offer to give regarding any communications made between himself and wife is objected to as evidence in this case because the same is incompetent as such without the assent of the defendant, which has never been given, but which is hereby expressly refused. See sec. 3346 Code of Va., as amended by Acts 97-8, p.753.

R.L.Pennington, Atty.

Q-6. How long did you and your wife live together?

A-6. About four months.

Q-7. At the end of the four months what occurred?

Q-7. State whether or not during the time you and your wife lived together you provided for her as comfortable a home as you means would permit?

A-7. I consider so.

Q-8. State whether or not you employed ^{others} to assist or shield her from work and attending to household affairs, and if you say you did, tell who you employed.

A-8. I did; I first employed Harrison Orrick, who stayed with us all the time; Francis Whisman, who stayed with us a part of the time, and I employed Elizabeth Ellis to do the washing for us, I sometimes employed other girls to help her. I also had a clerk in the store most of the time, who would some times bring wood for her.

Q-9. Now please state whether or not during all that time you treated her kindly and used all your efforts to make home pleasant and attractive for your wife.

A-9. I did ever thing I could, in my way.

~~Q-10.~~ Q-10. Now please state what your way was.

A-10. I never aimed to give her an unkind word, and did not. I treated her as kindly as I could; she had every thing about the house she wanted; carried the keys to the store when she wanted them; I furnished her a horse to go home whenever she wanted ~~that~~ ^{or} pleased, and she went and stayed as long as she pleased. ~~Told~~ ^{I told} her time and again that she did not have to do anything that she did not want to, and she didn't.

Q-11. What occurred on or about the last Sunday in July, 1899?

A-11. She begged me to go home with her, and she had been up there the week before, and I told her there was no use in me going, but she still urged for me to go, and said she would pay for an extra horse if I would go with her to her father's; ~~until~~ I agreed to go, and did go. We went by my father's and stopped and took dinner, then after dinner we went up to Mr. Munsey's, ~~her~~ father's, and stayed and talked there till about time to reach home by night. I asked Mary whether it was not time for us to go home. She asked me to have a private talk with me. I went in a room with her, or in a hall, she there said she would not go back with me unless I would promise to

milk the cow myself and promise to sleep at the dwelling house. I told her that she did not have to milk the cow at all, that I had been having that done and offering to have it done all the time, but as to milking myself, I had to stay in the store and help about the store, and I would willingly sleep at the house if she would be a wife. She would not promise me to be a wife. About that time Mr. Munsey came in, and he talked some. The same conversation was repeated about as before, I think in the presence of Mr. Munsey, at any rate I remember telling Mr. Munsey, as I had told him before, that I was no wooden man, and I wanted Mary to fulfil the relation of wife to me. I also said, with tears almost in my eyes, by God's help I was going to carry out the marriage vows if she would go home with me. Then we came to the back porch in the presence of Mrs. Munsey and Will Burchett. I still asked Mary to go home with me, and I also told her if she would come later, I would leave one of the horses for her. Mr. Munsey said, ~~if she~~ "If she wants to come later, Will, I'll bring her". I then, it being nearly night, went for home, expecting likely Mary would return later. She never returned.

Q-12. Did she leave any personal property at your place; if so, state what it was and what became of it?

A-12. She left some household plunder, and a cow, which her father ~~at that time~~ had turned over to us for our use temporarily. In some two or three days, I will not be positive, Mr. Munsey came and got the cow, later Mr. Munsey came with a wagon and team and a driver and got her household plunder.

Q-13. State if you know, in what condition she left her household plunder when she went off on the occasion spoken of by you, whether boxed up or otherwise?

A-13. I think it was all pretty much boxed up, except it were a bed, and I think a part of that was boxed. There was no dishes out, and none of the clothes ~~and~~ except ~~one~~ dress and an apron that I remember.

Q-14. You may now state whether or not it was with your consent, or against your will, that she left you and failed to return to you?

A-14. It was against my will and ever has been.

Q-15. You may now state what steps if any you took to get her to return to you, whether or not you sent any body to see her &c.

A-15. Ranson Neff, my brother, went to see her to see if he could not reconcile the matter, and I have made different efforts myself to feel and see what would be the chance of reconciling the matter by talking to her privately at different public places.

Q-16. At these different public places state whether or not she gave you any opportunity to have a conversation with her.

A-16. She did not, not even a smile.

Q-17. At the time you filed your bill for divorce in this case, state whether or not you had abandoned all hope of your wife returning to you and living with you as such?

A-17. I had no hopes.

Q-18. After she filed her answer to your bill, in which she states, among other things, that she had always been ready, willing and anxious for a reconciliation of differences which existed between ~~me~~ herself and her husband, and in which she alleges that she had never, at any time, had any intention to desert or abandon her husband, and that she would have been willing long since to reconcile said differences and gone back to the plaintiff's home ~~and~~ the plaintiff ever approached her, or shown in any manner, a willingness to settle the differences, did you take any steps to reconcile said differences and get her to return to you, and if you state you did, tell what efforts you made in that direction.

The foregoing question or any answer thereto is objected to, because the answer sought to be elicited is one ~~of~~ tending to show propositions of compromise of the question in litigation, which is not permissible under the laws of our state, and further, because such propositions of compromise could only affect the case of the plaintiff in this suit in case it turns out in the proof that Mr. Neff was the one who deserted Mrs. Neff, and which, if it be the case, the said ~~plaintiff~~ cannot unmake the defendant's case without her consent.

R.L. Pennington, Atty.

Q.-- I did.

Q-19.-- What efforts did you make?

A.-- I wrote her several letters, went to see, and after her, from four to six times.

Q.20.-- I now hand you what purports to be copies of letters No. 1 to 7, and which are filed with the deposition of D.S.Ely, and ask you if these are copies of the letters written by you to your wife in your endeavor to get her to return to you?

A.-- They are.

Q.21.-- State whether or not this effort of yours to get your wife to return to you was made in good faith and with the earnest desire upon your part that she should return to and live with you?

A.-- Yes, sir.

Q.22.-- Did you receive any replies from Mrs. Neff to these several letters?

A.-- Yes sir, I received some.

Q.23.-- I now hand you four letters signed by the name of Mary E.Neff, and will ask you to state whether or not they are the letters you have received from her as you have stated in your answer next above, and if you say that they are, please file them as a part of your deposition marked "M.E.N. 1,2,3, and 4"?

A.-- These are the letter which I received from the said Mary, and I file them as requested and marked as requested.

Q.24.-- In one of the letters which you have just filed and which is dated March 28th, 1903, Mrs. Neff uses this language :"

~~This was the proposition made by me that you agree to~~

"To inspire my confidence in you, I asked that you agree that in case you should quarrel with me and leave me without fault on my part, that you agree in that case to pay me an annual allowance. This ~~was~~ also you positively refuse to do. At first I asked that this part of the agreement be made a lien upon your property, but afterwards, finding that it would possibly precipitate you in being sued by those you owe, I agreed that the lien part of this agreement be stricken out".

Did you ever receive any proposition from Mrs. Neff agreeing to strike out this lien requirement?

A.-- I never received anything that I understood that way.

Q.25.-- Did you ever receive any proposition from her that did not require some property agreement in it?

A.-- I never did. The last time I visited her she told me she would not come under any colors unless I signed the property contract.

Q.26.-- In her letter to you dated on the 7th of April, 1903, she refers to a letter which she had received on the 4th of April, containing a photograph of yours in a mutilated condition, and asks you for an explanation. Did you make that explanation?

A.-- Yes, sir.

Q.27.-- I now hand you what purports to be the copy of an affidavit in reference to that. I will ask you if you made that affidavit and sent it to your wife.

A.-- I did.

Q.28.-- Please file said copy as a part of your deposition marked "A".

A.-- I filed said copy marked as requested.

Q.29.-- I see by your letter dated Feb. 2nd, 1903, that you say that a written proposition of settlement had been submitted to you by the counsel of Mrs. Neff, and that you now submit one in lieu thereof. I now hand you a paper dated on the 2nd day of Feb., 1903, which purports to be a copy of a contract and ask you to state whether or not that is a copy of the contract, or agreement, which you signed and sent to Mrs. Neff to be signed by her and to be a binding agreement between you, and if you state that it is, please file it as a part of your deposition marked No. 8.

A.-- It is a copy of the contract that I signed and sent to her, and I file it marked as requested.

Q.30.-- State whether or not, after the negotiations for a reconciliation with your wife were begun by you, you rented a house for you and her to live in? If you say you did, state from whom you rented it and where is it located?

A.-- I did rent a house from M.G. Ely, which is located close to my store where I am now selling goods.

Q.31.-- If you have any written evidence of that renting, file it as a part of your deposition marked No.10.

Obj.-- The last two preceding questions and the answers thereto are objected to because immaterial and irrelevant to the issue as well as self-serving for the plaintiff.

R.L.Pennington for deft.

A.-- I have written evidence of said contract and file it as requested marked No.10.

Q-32. You stated in answer to a question heretofore asked you, that some time after your wife left you, or rather refused to return home with you, that her father came for the property she had left there, what did Mr. Munsey state to you when he came and asked for said property?

A-32. He said he wanted her things. I asked him if Mary was not coming home, and he said she was not satisfied to live with me. I told him, "out there was the house; he will not mine; help himself, I did not know her things." He did so.

Q-33. Was there any thing there with her things that belonged to her, or was brought there by her, that he did not carry off, if so, state what it was and what he done with it?

A-33. There was one or two, as I remember, pieces of ~~bacon~~ that he brought in the store and I bought it and paid him for it. I don't remember the exact amount the bacon come to.

Q-34. During the time you and your wife lived together, did you often tell her, or did you tell her at all, that you had married her expecting that she would make you money, or any words to that effect?

A-34. I have no recollection of such.

Q-35. Did you ever, at various time, or at any time, undertake to drive your wife from you by unkind treatment?

A-35. I did not, by no means.

Q-36. On the day that she went to her father's home and you went with her, and while on the way, did you tell your wife that you would take her to her father's home and there leave her?

A-36. I have no recollection of such, for I did not intend such, and never wanted such.

Q-37. During the time you and your wife lived together, state whether

or not your wife appeared contented and satisfied.

A-37. Very seldom, if at all.

Q-38. State whether or not during that time she was kind and affectionate to you?

A-38. Very seldom.

Q-39. State any acts of hers toward you showing ill will or rough treatment.

The foregoing question, and all other questions that are in regard to matter which happened, or communications had, between plaintiff and defendant are objected to, because illegal and incompetent. And further because the plaintiff ^{is not} ~~is not~~ seeking divorce upon the ground of cruelty.

R.L. Pennington, Atty.

A-39. She locked me out of her room time after time; she spit in my face several times, but on two separate and distinct occasions; she fought me with her hands, feet and teeth.

Q-40. There has been some testimony given as to her shooting, and some words she used in connection there with, please state what occurred on that occasion.

A-40. There was some two or three reports from a pistol ~~from a pistol~~ or gun, and I ran to where the shooting was, and asked Mary if that was her; she said it was; I asked her if she could shoot; she answered yes, and said if you don't ^{watch} ~~listen~~ out I will shoot you.

Q-41. During the time you and her lived together, please state whether or not she was a wife to you.

The foregoing question and answer thereto, ^{is objected to,} because the witness ~~is~~ is incompetent, and because the question is not put at issue by the pleadings.

R.L. Pennington for Deft.

A-41. She was not.

Q-42. Please state whether or not she at any time, to you, or in your presence, stated that she did not intend to have any children by you, and if you state she did, give her language as nearly as you can.

Objected to for the same reasons stated above.

R.L. Pennington, Atty.

60.

A-43. She did so state. I have heard her say something of the kind different times. She told me when she first married me that she could not raise children, that she was not stout, and that it would kill her, and on another occasion I gave her some candy among others, and I turned to go to the store and she hit me in the back with the candy and said "I never expect to have any kid by you baldheaded pup, scuondred, or whatever she said"; on another occasion she said I would never be able to buy any children or kids. I think I have heard her say this on five or six other occasions, public and private.

Q-44. From the time she left you, as above stated by you, state whether or not more than three years had elapsed before you filed your bill in this case?

A-44. I think there had been more than three years.

Q-45. Since your marriage with the said Mary, have you and she both been residence of Lee county, Va. all the time?

A-45. I have, and I have so understood with her.

Q-46. In answer to a question propounded to you a few moments ago, as to whether or not more than three years had elapsed after your wife left you untill you instituted this suit, your answer was, "I think there had been more than three years". I now show you the writ in this case which shows that your suit was instituted on the 14th day of Oct., 1902, and will ask you to state whether or not she had been gone from you more than three years before that date.

A-46. It was more than three years. The reason I answered the way I did a little while ago was because I did not remember the date the suit was instituted.

The taking of these depositions is continued until to morrow morning at 8 o'clock at the law office of C.T. Duncan, in the town of Jonesville, Va.

Met pursuant to adjournment, June 13, 1903.

A. M. Goins, Comr.

*A. M. Louis,
Comr.*

Q-48. State whether or not during the time you and your wife were living together, she ever threatened to leave you; and if you state she did, state as nearly as you can the number of times, using her words as nearly as you can remember them, and what caused her to make these threats.

A-48. She did threaten to leave me, I cannot remember the exact number of times, from five to ten, probably more. I do not know of any reason, unless it was because she would not be a wife. She said "I am going to leave you and sue you for alimony;" and again she said "I am going to leave you and make you support me". She repeated it in the foregoing language, or words to that effect.

X-Examination.

~~XXXX~~ Not waiving the exceptions to the competency of this witness, counsel for the defendant will cross-examine the witness, to be effective in case the court should decide that he was a competent witness.

R.L. Pennington, Atty.

Q-1. You state in your examination in chief that one evening you heard some shooting, where were you at the time you heard the shooting?

A.1. I was either in the portico or in the yard at Pig Surgener's when I heard the first report.

Q-2. Where were you when you heard the other shot?

A-2. I was between Pig Surgner's and my dwelling that I occupied.

Q-3. How far from your house?

A-3. I think I was right close, back of the house from five to ten steps.

Q-4. What was your wife doing when you came up?

A-4. I did not go to where she was, I only went in talking distane, which was close. I could not tell you what she was doing until she came to me; my recollection is it was getting dusk. She told me what she was doing. I ask^d her if that was her shooting and she said it was.

Q-5. What kind of fire arms ~~xxxxxxxshooting?~~ did she have?

A-5. I do not know, I had a pistol, a shot gun and ~~an~~ a 22-rifle, she had access to each. I can't remember whither she had a gun in her hands when she came up to me *or not.*

Q-6. Did you see the shooting?

A-6. I did not see the shooting; I saw the blaze of the pistol and the smoke.

Q-7. Where was she when the shooting occurred?

A-7. From the smoke of the pistol, the blaze, and the report, she was in the store door or between the store and the house.

Q-8. In answer to question 15, you state that you sent your brother, Ransom Neff, to see your wife, and that he went to see her to see if he could not reconcile the matter. Were you present when he went to see her?

A-8. I was not there.

Q-9. How do you know then he went to see her?

A-9. He told me he did.

Q-10. Why then did you not say in your examination in chief that he told you he went to see her instead of stating that he went to see her?

A-10. I told him to go to try to reconcile the matter, and to feel of them and see if she wouldnt come back, and I seen him talking to Mr. Munsey ~~himself~~ myself on one occasion, and he, Ransom, told me it was about the reconciliation. ~~xxxxxxxxxxxx~~

It was ^{because} I did not think of it, and because I beleived my brother, and I saw him going in that direction.

Q11. Did you ever call upon your wife to have any talk about a settlement of your differences until after this suit was brought?

A-11. ~~xxxxxxxxxxxxxxxxxxxx~~ I never did.

Q-12. When did you first talk to attorneys about getting a divorce from your wife?

A12. I shoud^l think two or three weeks before suit was instituted.

Q-13. Had you not talked to Mr. Sewell and other attorneys, one or both, a year or more before you brought suit, about getting a divorce, and did they not tell you that as the grounds that you alleged for a divore was desertion you would have to wait untill three years had expired?

A-13. No, sir.

Q-14. Then you mean to say that the first time you ever talked to

any attorney about getting a divorce was when you talked to Mr. Sewell about two weeks before you brought this suit?

A-14. I do not remember ever talking to any other attorney.

Q-15. Who told you that three years was necessary for a divorce on the grounds of desertion?

A-15. I read it in the statute or Code, ~~xxxxxxx~~ and I had heard it talked about.

Q-16. Why did you want D.S. Ely to accompany Mr. Smith in delivering the letter you sent your wife just after the Nov. court?

A-16. Because Smith wanted company. I never asked Dave to go I don't think. Dow asked him to accompany him.

Q-17. Who wrote that letter, that is, who dictated it?

A-17. I wrote the letter; Judge Duncan and Mr. Sewell dictated the letter.

Q-18. Why did you keep a copy of it?

A-18. They told me to do so.

Q-19. Why did they want you to keep a copy of the letter; did they tell you?

A-19. They didn't say.

Q-20. Why did you not send the letter by mail?

A-20. I think they suggested that I just send some body there with it.

Q-21. Did you show Dave Ely and Dow Smith the copy of the Letter that was filed with Dave Ely's deposition?

A-21. I showed them to Dow; I think Dave was present in the store.

Q-22. Did they compare them to see if they were alike?

A-22. I told Dow to read them both.

Q-23. Why did you want him to read both copies?

A-23. To see that they were both alike.

Q-24. Did you want to prove by Dow Smith and Dave Ely, either or both, that your wife had received a copy of the letter which was filed with Ely's deposition?

A-24. If it was disputed, I wanted to prove it by Dow; I do not remember as to Dave.

Q-25. You stated in answer to question 32, that you told Mr. Munsey

when he came for Mary's things that you did not know her things, and that there was the house, to help himself. Do you mean to state that you had been living there three or four months together and did know the property and things belonging to your wife?

A-25. I did not know, unless it was some few things that she used.

Q.26.-- In another part of the deposition in chief, you stated that she had boxed most of her things before you took her to her father's the day that she did not return, how can you say that she had boxed up most of her things when you did not know what her things were?

A.-- Because I knew that there was no other woman there that had any dressing and I did not see any dresses there except one dress and an apron. I knew she had more bed clothes than was on the bed, and there were no dishes that I seen except mine, and I thought she had some.

Q.27.-- As it was summer time, it would not be likely, would it, that very many bed clothes would be on the beds, would it?

Obj.-- Objected to because it is asking the witness for an opinion and he is not shown to be an expert on the subject.

C.T.Duncan and B.H.Sewell for plff.

A.-- It would not be likely if anybody slept in it.

Q.28.-- Would it not have been proper at this time of the year to have kept the bed clothes folded up and put away in a box, trunk or other place to keep them in place and condition?

A.-- It is not the way I keep them. I keep them packed up on a table or box where they can get air.

Re-Examination.

Q.-- In answer to a question which Mr. Pennington propounded to you, as to who dictated the letter sent to your wife by Dow Smith, you state that Mr. Sewell and Judge Duncan dictated it. I wish you would state who got us, Mr. Sewell and Judge Duncan, to write the letter and who told them what to write?

A.-- I did.

Q.-- Mr. Pennington also asked you in effect, if it was not proper to have household goods, such as belonged to your wife, boxed up

at that season of the year. I wish you would state, if you know, whether those boxes containing your wife's things were nailed up?

A.-- There were boxes in the house nailed up, and I think these were the boxes she got at the store.

Re-Cross Examination.

Q.-- If you told Judge Duncan and Mr. Sewell what to write, or what to dictate to you, explain why it was that it was necessary for you to tell them what you wanted written and then they tell you what to write?

A.--Because I was no lawyer and I didn't know whether I could do it lawfully or not, it was my sentiments, every bit of it.

And further, this deponent saith not.

William E. Neff

D. L. Bacon, a witness summoned for plff., but not introduced, claims attendance 50 cts, and mileage for 6 miles, 24 cts, making a total of 74 cts.

#

State of Virginia, County of Lee, to-wit:

I, A.M. Goins, a commissioner in chancery for the Circuit court of the county of Lee, in the state aforesaid, do hereby certify that the foregoing depositions of Francis Wygal, Amanda Lawson, G.S. McClure, W.N. Burchett, D.C. McClure, Sterling Barnes, Mary E. Anderson, Martha Medlock, Elizabeth Ellis, Mollie E. Scott, Harrison Orrick, D.S. Ely and W.E. Neff were duly taken under oath and by agreement as stated in the caption, and subscribed before me, and at the time and places as above mentioned.

Given under my hand, this 26th day of June, 1903.

..... *A. M. Goins*
Comr. in Ch'y.

W. E. Neff
vs. { deposition in chief of Plff.

Mary E. Neff

Exhibits filed herewith.

Fee for taking these
depositions, \$25.00.
Pdt. by Plff.

The deposition of Wm. Minter, taken pursuant to agreement at the Law Office of E. Lee Trinkle, in the Town of Wytheville, Va., on this the 30th. day of June, 1903,, to be read as evidence in behalf of the Plaintiff in a suit in Chancery, now pending in the Circuit Court of Lee County, in which W. E. Neff is Plaintiff and Mary E. Neff is defendant.

Present:- B. H. Sewall & C. T. Duncan, Counsel for Plaintiff.

R. T. Irvine, & J. C. Noel of Counsel for Defendant.

Wm. Minter, a witness of lawful age after being duly sworn deposes and says:-

Q. 1. By Judge Duncan- State your age, residence and occupation?

Ans. 25, Rural Retreat, Va. Merchant.

Q. 2. Please state if during the year 1899 you resided for any time in Lee County, Va. and what you were engaged in while you were there?

Ans. I was there and part of the time was clerking for Wm. E. Neff in the Store.

Q. 3. You may now state whether or not you were living with Mr. Neff at the time he was married and if you continued to live with him until his wife returned to her Father's?

Ans. I was there when he married and when she went off, and during the, however, I would go home and stay two or three days at a time.

Q. 4. Please state how Mr. Neff treated his wife during the time you were there while they were living together?

Ans. I would term it good under the circumstances.

Q. 5. What was her treatment to him during the same time?

Ans. Well, I think she treated him very coolly and very badly.

Q. 6 If you ever heard her say anything about being dissatisfied or leaving Mr. Neff, please state as nearly as you can what she said?

Ans. Well I have heard her say that she was not satisfied and at times she would talk of going home as to whether or not she really meant it or not, Of course, that is left to be ascertained.

Q. 7. Do you know of any preparation she made about going home or packing her things just before she left, if so please state what she did?

Ans. The week before she went home, she got some boxes at the store but

what she was going to do with them I didnt know. They were wooden good boxes of medium size. When her father came after her things they were ~~Qc~~ out in those boxes.

Q. 8 State as nearly as you can how soon after she left until her father came for her cow?

Ans. I do not know just the time but it was soon only a few days.

Q. 9 Now, state how long it was until she sent for her other things?

Ans. Well, I dont remember how long but it was not very long.

Q. 10 When her Father came after things, as spoken of above, state what occurred with reference to the sale to either you or Mr.

^a
Neff of ~~his~~ ^a pieces or pieces of bacon?

Ans. All I know about it was that Mr. Munsey brought the meat in and said I have got a piece of meat I want to sell you and I said alright and bought the meat and paid him for it, out of Mr. Neef's store.

Q. 11. During the time that they lived together as husband and wife, did Mr. Neff ever sleep at the store, if so how often?

Ans. I dont know just how often but very few times while I was there but I do not know how often while I was away.

Cross Examination.

Q. 1. By Mr. Noel. At the times Mr. Neff slept at the store, whom would he leave at the house with his wife?

Ans. I do not know.

Q. 2. How many boxes did Mrs. Neff get at the store?

Ans. I dont know that either probably four or five or more.

Q. 3. At any time did you ever hear Mr. Neff talk back to his wife in a snappish manner?

Ans. Somewhat and in a mere ^{mild} ~~harsh~~ way considering the circumstances.

Q. 4. At any time ~~harsh~~ while Mr. Neff and wife were living together, state if you ever heard Mr. Neff say anything about Mrs. Neff's father giving her too much household goods and not enough money, and if so tell what he said?

Ans. In a conversation between Neff and myself ~~harsh~~, Neff said her father was giving her more than they had room for and that he had better give

her some money that they could probably use it better. This came up in a joking way rather.

FURTHER THIS DEPONENT SAITH NOT.

W. L. Minter

This is to certify that Wm. Minter made, signed, & acknowledged the above deposition before me and that the same was taken by agreement before me, a Notary Public for the County ~~and~~ of Wythe, St. of Va. and the Town of Wytheville, this the 30th. day of June, 1903. Witness my hand this the 30th. of June, 1903.

E. L. Minter
N.P.

E. LEE TRINKLE,
Attorney at Law.
WYTHEVILLE, VIRGINIA.

The deposition of W. S. Burchett, taken before me, L.T. Hyatt, a commissioner in chancery for the circuit court for Lee county, at my office on the 6th day of July, 1903, pursuant to agreement of the parties by their attorneys, to be read as evidence on behalf of the defendant in a ~~xxxxxx~~ certain suit in chancery pending in the circuit court for said county, wherein W. E. Neff is plaintiff and Mary Neff is defendant.

Present: R.L. Pennington and R.T. Irvine, attorneys for the defendant.

C. T. Duncan, attorney for the plaintiff.

The witness, W.S. Burchett, being first duly sworn, deposes as follows:

Q.--State your age, residence and occupation?

A.--I am 47 years of age, reside near Van, Lee County, Virginia, and am a farmer.

Q.--Are you acquainted with Wm. E. Neff and Mary, his wife?

A.--Yes sir.

Q.--Were at the home of James J. Munsey, Mrs. Neff's father, on the day on which Mr. Neff brought his wife home, at the time she did not return with him?

A.--I was.

Q.--State whether or not you heard a conversation between Mr. Neff and his wife and her father and mother; if you state that you did, then state as nearly as you can what was said in the conversation?

A.--I did hear a conversation between the parties. Well, believe about the first conversation Mr. Neff proposed to Mary that it was time they were going home, and she remarked to him to step in a room and look at a bureau that her father had bought for her, and they walked off into the room together. They were talking in there tolerably loud, but I could not hear or understand what they were saying, though. Mrs. Munsey spoke to Mr. Munsey and told him to go in there, and they stood in there some little bit, possibly some five minutes, or may be not so long. They came back out of the room, and Willie says: "Let's go.", and Mary says: "I don't know that I am going without you promise

me you will treat me right." Willie said that he didn't consider that he had ever mistreated her, and then walked down off the steps into the yard, and Mr. Munsey walked down after him. Mr. Munsey walked on down through the yard towards the gate. Then Mrs. Munsey spoke and said that she did not consider that he had treated her right, when he would not stay with her at night when she was sick and needed attention. Willie said that he proposed to get the Doctor for her and Mary then said that she did not consider that she was sick enough to need any doctor, but all she wanted was him to stay with her of a night, and Willie said: ~~xxxxx~~ "I had somebody to stay with you". Mary then said "Willie, I didn't want somebody else to ~~stay~~; I wanted you to stay." Willie said that if she wanted to stay with him that she could come to the store and stay with him out there, that he had to stay at the store. Mrs. Munsey says: "She went one night to stay at the store with you, and you raised the window on her where the night air was coming in and she was never used to laying where the night air was coming in, and she had to go to the house." Willie said that he was hot natured and had to have fresh air. That was about the conversation as I remember it. Willie then turned and went down through the yard towards the gate, and he says: "What will I do with thi horse, will I leave it?" Mr. Munsey says "No, take the horse on home with you and I will be down to-morrow, and if Mary takes a notion o come I will bring her down". Willie went through the gate and got on his horse and said "When must I come?" and Mary answered: "Whenever you think you can stay with me and treat me right." Willie then rode on down to the gate and Mr. Munsey went on down there and they stood there and talked some but I do not know what they were talking about

Q.--Some time after this suit had been instituted, and after Mr. Neff had been advised that Mrs. Neff would make defense to the suit, state whether or not you had a conversation with Mr. Neff, and if so, state where it was and what it was with reference to the bringing of this suit and the defense which he understood had been put in?

A.--I was up here at court one day, out there in front of Mr. Brown's stable in a hack eating my dinner, and Mr. Neff came and got up in the hack where I was at, and commenced talking. I don't remember just what was the first words used now, but he asked me in the conversation if I knew what defense they were going to make against that suit. I told him I didn't, that I had not talked with any of them about it, and I did not know what plea they were going to bring. He went on to state that he could not transact his business the way they were living, that he could not make any land sales, nor sign any deeds nor nothing, they way they were living, and said he thought it would be better for them to be separate, and I think he said that he didn't think they could live together and get along, said he did not think when he entered the suit that Mr. Munsey would make any defense against it. And spoke something about ~~xxx~~he could have went off to the west somewhere and got a divorce. He spoke a little too about the disposition of each other in the conversation, said that he was a kind of nervous disposition, could not be still, had to be up going and stirring all the time; that Mary was more of a slothful nature, said that she could lay down and sleep in day time and that he could not; said he was set in his habits and ways, and that she was set in hers; and said that Mary could not change his disposition and ways, and that he could not change hers. I believe this was about the conversation; there might have been something more said, but I do not remember it now.

CROSS-EXAMINATION.

Q.--Do you know how soon it was after the suit was brought until you had the conversation with Mr. Neff here in town that you have spoken about.?

A.--I think probably it was the next county court, think he told me that, but am not sure about this.

Q.--In that conversation didn't Mr. Neff tell you that he wanted to live with Mary, but that he wanted her to be a wife to him?

A.--I don't think that he did; I think he said he did not think the

4

could live together and get along.

Q.--At the time Mrs. Neff refused to return home with her husband how long had you been at Mr. Munsey's before Mr. Neff proposed to his wife that they should return home?

A.--About an ~~xxxxx~~ hour.

Q.--What time in the evening was it when he made the proposal to start home?

A.--I expect it a couple of hours before sun set.

Q.--How far did he live from there?

A.--I guess some 12 to 15 miles.

Q.--Did you hear or see anything wrong between Mr. Neff and his wife, up to the time he proposed to start home?

A.--No sir.

Q.--Did she make any other complaint of mistreatment except his not staying with her?

A.--No she did not make any other complaint that evening that I heard of.

Q.--Did you hear any discussion there that evening between them in reference to milking the cow?

A.--No sir, I don't think there was; if there was, I don't recollect it now.

And further witness saith not.

*wit. claims are
day 508*

W. S. Burchett

Also the deposition of J. J. Munsey, who being duly sworn, deposes as follows:

Q.--Are you acquainted with R. S. Neff, now living at Valley, Okla.?

A.--I am.

Q.--Do you remember his visiting your house about the time your daughter and her husband separated?

A.--Yes, it was in September after their separation.

Q.--State whether you treated said R. S. Neff kindly and friendly upon said visit?

A.--Yes sir, I did.

Q.--Mr. Neff, in his deposition, states that at the request of his brother, William, he went to your house for the purpose of trying to persuade Mary to come back to Will, but that "she and her parents seemed reserved on that subject". State whether or not you were reserved on the subject of Mrs. Neff returning to her husband? And whether or not anything was said at all about the matter?

A.--I was not, and there was nothing said about the matter.

Q.--Mr. Neff also states in his deposition that "afterwards he saw her father and brother at Andrew Fitts' sale about William and his wife not living together. Her father said Mary was not satisfied to live with William." Please state whether or not you had any such conversation with Mrs. Neff at the time stated by the witness, or at any other time?

A.--No sir, I did not have any such conversation there ~~at~~ at any other place. The sale at Fitts' was before he was at my house.

~~Ques.~~ Cross-Examination.

Ques. -- Was nothing said, no questions asked nor no conversation of any kind had by R.S. Neff either to you or your daughter or any of your family at the time R.S. Neff was there with reference to William E. Neff and his wife and the fact of their dwelling apart?

A.-- No sir. He just came in and introduced himself to my wife and asked if Willie's wife was there; my wife went out and told my daughter and she came in and he spoke to her and they sat down and we all had a conversation but nothing else was said about Willie.

Q.-- Was nothing said between you and Mr. Neff at Fitts' sale with reference to the marriage or separation of W.E. and Mary E. Neff?

A.-- No sir.

Q.-- Did he have any conversation with you at all on that day?

A.-- I have no recollection of speaking to him on that day. If he was there I don't recollect.

And further this deponent saith not.

James J. Murray

Also the deposition of W.M.Munsey, who being duly sworn, deposes as follows:

Q.--State your age, relationship to Mary E. Neff?

A.--I am 36 years of age, and am a brother to Mrs. Mary Neff?

Q --How many brothers has Mrs. Neff?

A.--Only ~~two~~--John and myself.

Q.--Are you acquainted with R. S. Neff, who has given his deposition in this case?

A.--I am, have met him a few times.

Q.--Mr. Neff, in his deposition, says that he had a talk with your father in the presence of one of Mrs. Neff's brothers about her going back to live with Will, and that your father said that Mary was not satisfied to live with William. He states that this conversation occurred at Andrew Pitts' sale. State whether or not any such ~~xx~~ conversation was had in your presence?

A.--No sir, there was not.

And further witness saith not.

W M Munsey

Virginia, Lee County, to-wit:

I, L.T.Hyatt, a commissioner in chancery for the circuit court for said county, do hereby certify that the foregoing deposition s of W. S. Burchett, J.J.Munsey, and ~~M.N.~~W.M.Munsey were duly taken, subscribed, and sworn to before me at the time and place and for the purposes therein stated.

Given under my hand this the 6th day of July, 1903.

L.T. Hyatt

Commissioner in Chancery.

Bill of Costs;

L.T. Hyatt, Commr. 3 hours

\$2.25-

W. E. Neff
v { In Chy.
Mary E Neff

Depos. of W. S. Burchett
et al.

L. T. Hyatt Coun. Fee \$2.25-

L. T. HYATT,
ATTORNEY AT LAW,
JONESVILLE, VIRGINIA.

The deposition of Virtoria Neff, taken before me, L.T. Hyatt, a commissioner in chancery for the circuit court for Lee County, Virginia, at ~~xxxx~~ my office, in the town of Jonesville, on the 6th day of July, 1903, to be read as evidence on behalf of the plaintiff, in a certain suit in chancery now pending in the said court, wherein W.E. Neff is plaintiff and Mary Neff is defendant.

Present: C.T. Duncan and Geo. P. Cridlin Attys. for Plff.

Pennington Bros. for deft.

The witness, Victoria Neff, being first duly sworn, deposes as follows:

Q.--What relation are you to Wm. E. Neff?

A.--He and my husband are second cousins.

Q.--Are you acquainted with James J. Munsey?

A.--Yes, I know him, but am not very well acquainted with him personally.

Q.--Mr. Munsey says, in his deposition, that about the first of October (meaning October 1899) "I started down there, and had a team to go down there with me and I went on down to Stewart Neff's, and I saw Willie's horse hitched up there to the fence. I called Mrs. Stewart to come to the door and asked her if Willie Neff was there, and I told her I wished she would tell him to come to the door. He came to the door and I told him that I had started down to his place. He replied that he had stopped there to warm his feet and that as soon as he warmed his feet he was going on down. Did anything of that kind occur there?"

A.--No sir, I think not. I saw Mr. Munsey pass down, but he did not call to me that I have any recollection of.

Q.--How long did Mr. W.E. Neff remain at your house, if he was there, after Mr. Munsey passed by, and state anything that passed or any circumstance that makes you remember if there is any?

A.--When Mr. Munsey passed Will said that he guessed he was going down after Mary's things, and he said that he would wait till he got away down the road for he did not want to overtake him. I don't remember how long he stayed.

Obj.--All of the foregoing deposition relating to the conversation had between Mr. Neff and the witness is objected to as evidence because hearsay and irrelevant, and self serving declarations on the part of the plaintiff.

Pennington Bros.

Cross. Examination.

Q.--How was Mr. Munsey riding, horse-back or in a wagon?

A.--He was riding horse-back.

Q.--Did you see any wagon pass; if so, who was driving?

A.--Yes sir, I saw a wagon with a mule team pass, but I did not know the driver. I have heard since who the man was, but have forgotten. I remember more how the team looked than I do the man.

Q.--Did you know the team, or did some one tell you to whom it belonged?

A.--No sir, I did not know the team. I did not think though, that it was Mr. Munsey's team.

Q.--Which passed first the team, or Mr. Munsey, on that day?

A.--Well, I rather think Mr. Munsey was riding behind the wagon, along not very far from it is the way I remember.

Q.--Who was at your house except you and Mr. Neff on that day?

A.--Well sir, I don't remember there was anybody but my children. If there was I don't remember it.

Q.--Which, you or Mr. Neff, first noticed Mr. Munsey on that day?

A.--Well sir, I don't know. I was sitting by the fire and saw the team pass.

Q.--Did Mr. Neff tell you whose team it was on that day, ~~either that day~~ or at any time afterwards?

A.--No sir, I don't remember that he ever did.

Q.--You say that after Mr. Munsey passed that he guessed Mr. Munsey was going after Mary's things, and he said that he would wait till he got away down the road for he did not want to overtake him. If you know, please tell why Mr. Neff made that remark to you?

A.--No sir, I don't know.

Q. - I believe ^e you stated that you did not know whose team it was.
Is that correct?

A. --That is correct.

Q. --Where were you when you first saw Mr. Munsey on that day?

A. --I was sitting by the fire place.

Q. --After seeing it did you get up, go to the door?

A. -- o r.

Q. --How far from the fire place to the road where you saw Mr. Munsey?

A. --I guess fifty yards, might be further.

Q. --What season of the year was that--the time you speak of?

A. --I suppose it was the fall season, but I don't remember just what it was. I remember I was sitting by the fire; there must have been some fire there.

Q. --Why do you suppose it was in the fall of the year?

Obj. --Objected to because the witness has just answered that question

C. T. Duncan.

A. --Because I was sitting by the fire.

Q. --Could it not have been in the winter time?

A. --Why yes, it could have been, but I don't think it was.

Q. --Do you have fires in the winter time, and sit by them?

A. --Yes, we have pretty good fires at our house in the winter time. But I want to say that I am not on the dunce block; I may be on the witness stand.

~~XXXXXX~~ Re-direct Examination.

Q. --Please state whether or not the defendant did not have you summoned as a witness, and if you did not go to the house of Dr. McNiel at their request to testify as a witness for said defendant?

A. --Yes, I was summoned and went.

And further witness saith not.

W L Neff

Wit Claims
1 day 50¢

Virginia, Lee County, to-wit:

I, L.T. Hyatt, a commissioner in chancery for the circuit court of the county of Lee, do certify that the foregoing depositions of V. L. Neff was duly taken, subscribed, and sworn to before me at the time and place and for the purposes therein stated.

Given under my hand this the 6th day of July, 1903.

L. T. Hyatt

Commissioner in Chancery.

Fees:

L. T. Hyatt, Commr.	\$1.50
Witness	.50
	<hr/>
	\$2.00

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L. T. HYATT,
ATTORNEY AT LAW,
JONESVILLE, VIRGINIA.

The depositions of

E. D. Bowen

taken before me, Geo. P. Cridlin, a notary public in and for the County of Lee in the state of Virginia, on the 22nd day of June, 1903, at the office of C. T. Duncan in the town of Jonesville, Va., pursuant to agreement of parties, which depositions are intended to be read as evidence on behalf of the defendant in a certain suit in chancery now depending in the Circuit Court of Lee County, in which William E. Neff is plaintiff and Mary E. Neff is defendant.

Present: R. L. Pennington of counsel for Defendant; and,

C. T. Duncan of counsel for plaintiff.

E. D. Bowen a witness of lawful age being duly sworn deposes as follows:

Q. 1.-- State your age, residence and occupation.

A.-- 47 years old, reside at Hyle's Ford, Tenn, and am a minister in the Baptist church.

Q. 2.-- Are you the pastor of the Baptist church at Thompson's Settlement in this County?

A.-- Yes sir.

Q. 3.-- Are you acquainted with Mary E. Neff, the defendant in this case?

A.-- I am.

Q. 4.-- Is she a member of the church at Thompson's Settlement?

A.-- Yes sir.

Q. 5.-- What is her christian standing in the said church?

Obj.-- Objected to because irrelevant and immaterial. Her christian character is in nowise involved in this case.

C. T. Duncan for plff.

A.-- It is good.

Q. 6.-- In the deposition of Sterling Barns, he said that Mrs. Neff upon one occasion, while they were measuring up some potatoes used the following language with reference to Mr. Neff: "The dern bald headed fool, or dern bald headed son-of-a-bitch never did know what he was doing" you will please state whether Mrs. Neff was in the habit of using language of this character, and if she were, what

would be her standing in your church?

Obj.-- The foregoing question and any answer thereto is objected to because irrelevant, immaterial and not admissible. The habit of Mrs. Neff is not involved in the issue joined, neither is her standing in the church.

C.T.Duncan for ~~deft.~~ plff.

A.-- If she was in the habit of using such language I don't know and never heard of it until this, and if she were in such habit her standing in the church would not be good, if the church knew it.

CROSS EXAMINATION.

X.Q.1.-- How near do you live to James J.Munsey where Mrs. Neff now resides and where she has resided for the last three and one-half years or more?

A.-- About 16 miles, I think

X.Q.2.-- How long have you known Mrs. Neff?

A.-- Six or seven years.

X.Q.3.-- Some time last winter state whether or not you received a letter from W.E.Neff soliciting your aid in effecting a reconciliation between him and his wife?

Obj.-- The foregoing question is objected to because no part of the cross examination, and further because any statement or communication from Mr. Neff to the witness would be self-serving and therefore no evidence in this case.

R.L.Pennington for deft.

A.--I did receive a letter from Mr. Neff very earnestly soliciting my aid in that matter.

And further this deponent saith not.

E. J. Bower

Virginia, Lee County, to-wit:

I, Geo.P.Cridlin, a notary public in and for the County and state aforesaid do certify that the foregoing deposition of E.D. Bowen, was taken, sworn to and subscribed before me at the time place and for the purpose in the caption mentioned.

Given under my hand this the 8th day of July, 1908.

Geo. P. Cridlin N.P.

Mary E. Muff.
Adm. In Chy.

Wm E. Muff

Depo. of

E. L. Bowen

Received from Geo. P.
Liddlin from whom
taken and filed July
the 8th 1903,

A. B. Munsey Clerk

Notary fee 1 hr. 75¢

To W.E.Neff,

Take notice that I shall, on the ~~xxz~~ 16th day of October, 190³,
at the law office of R.L.Pennington In the town of Jonesville, Va,

between the hours of 8 A. M. and 8 P. M., on that day, proceed to take the depositions
of Alexander Litton and others, to be read in evidence in my behalf,
in a certain suit depending in the Circuit court for the county
of Lee wherein you are Plaintiff
and I am defendant

and if from any cause, the taking of the said depositions be not commenced on that day, or, if commenced, be not concluded on that day, the taking of the same will be adjourned and continued from day to day, or from time to time, at the same place and between the same hours, until the same shall be completed.

Very respectfully,

Mary E. Neff
By Irvin and Pennington Bros., attys.

Mary E. Meff

and

NOTICE TO TAKE
DEPOSITIONS.

W. E. Meff

Irvine A. Brown, p. q.

Legal adviser of
this notice is ac-
cepted Oct 8 1903

W. L. J. J. J.
for W. E. Meff

The deposition of Alexander Litton and others taken before me, A.B. Munsey, Commissioner in Chancery for the Circuit Court for Lee County at the law office of R.L. Pennington in the town of Jonesville on the 16th day of October, 1903, to be read as evidence on the behalf of the defendant in a certain suit in chancery pending in the circuit court for Lee County wherein W.E. Neff is plaintiff and Mary E. Neff is defendant.

Present R.L. Pennington of counsel for defendant,

Duncan and Cridlin and B.H. Sewell for the plaintiff.

Mary Burchett, a witness of lawful age being first duly sworn deposes and says:

Ques. State your age, residence and ~~relationship~~ relationship to William S Burchett?

Ans. Age 40, reside at Van, Va, and am the wife of W.S. Burchett.

Ques. Are you acquainted with William N. Burchett.

Ans. Yes I am acquainted with him, and he usually goes by the name of Dock Burchett.

Ques. In answer to question 3 in his examination in chief W.N. Burchett states as follows: " It strikes me that it was at Will Burchetts. I will not be positive as to the place where it took place, I heard Mrs. Neff say in conversation with some woman, I do not remember at this time who the woman was, that she did not intend to live with him; that she did not intend to raise any kids by the bald headed scoundrel; that her mother told her that it would kill her if she did" Further on he states that at this time he was chopping wood at the woodyard at the time he heard this conversation and that Mary was on one side of the fence at the yard gate and the woman on the other. Please state whether or not such a conversation was had between you and Mary Neff at any time or place as that mentioned by said Burchett, and whether or not he ever chopped any wood for your family after Mary and her husband were separated?

Ans. No such conversation as that mentioned by W.N. Burchett took place between me and Mary Neff at the place mentioned by him nor anywhere else. And after Mary and Will Neff were separated he never chopped any wood at our house and for our family.

~~Examination~~

And further this deponent saith not.

Witness Claims, day 5th

Mary J Burchett

Alexander Litton, another witness of lawful age being first duly sworn deposes and says.

Ques. State you age residence and occupation?

Ans. Age 50, residence 8 miles west of Jonesville, occupation farmer.

Ques. Are you acquainted with William L. Minter, who now lives at Rural Retreat?

Ans. I am. I have known him about 15 years.

Ques. Did he ever have a conversation ^{at your house} with you in reference to the manner in which Will Neff was treating his wife, and if so tell what he said as near as you can?

Ans. Yes. He was at my house one day and the subject got up about Will and his wife, I do not know how it sprung, he said ~~if~~ his wife was baking bread and Will came in and he wanted to fix it some other way, and they differed a little about that, was all he said on that subject. He said that Mary went out about the store and brought some little boxes out about the house and said that Will came in and saw the boxes and said that Will just took hold of them and pitched them out in the yard. He said he was clerking ~~then~~ for Will and Will would grumble around about him and he said he would not pay any attention to him he would go on about his business. He said if he would have paid any attention with him he would not have staid with him any time, he said he had to make a new contract about every morning.

The foregoing answer in so far as it undertakes to state anything in reference to the dealings between witness, Minter and Mr Neff is objected to their dealings and relations with each other not being a matter in issue in this case.

B.H. Sewell C.T. Duncan And G.P. Cridlin for Plff,

xxXx@xix

Cross Examination.

X.Q.1. When did this conversation between you and Mr. Minter occur?

A. I could not tell, do not remember, it was after they married and before she left him.

X.Q.2. As I understand you Mr. Neff came into where his wife was baking bread, and wanted it baked one way, and she wanted to bake it another, is that correct?

A. I think so.

X.Q.3. Did Mr. Minter state in that conversation which succeeded in their contention?

A. No, sir, I don't think he did.

X.Q.4. You did not understand from him then did you that Will got his way about the bread and got it baked as he wanted it?

A. No sir,

X.Q.5. Did Mr. Minter at that time tell you anything further about how Neff and his wife treated each other?

A. I don't know that he did any more than I have told.

X.Q.6. Did he tell you anything further about how she treated him?

A. I have told all I remember.

X.Q.7. Did Mr. Minter tell you in that conversation, what Mrs. Neff had got the boxes for that Mr. Neff threw out?

A. I don't remember that he did.

And further this witness saith not.

Witness Claims / day 5th

Alex Leithen

The taking of these depositions is adjourned untill Thursady next, October 22, 1903.

A.B. Munsey Comr.

Met pursuant to adjournment at the law office of R.L. Pennington in the town of Jonesville, Va, on the 22nd day of October, 1903.

Comr

D.H. Parkeya witness of lawful age being first duly sworn deposes and says.

Ques. 1-State your age residence and occupation.

Ans. Age 38, reside in Lee County near Ann P.O, occupation farmer.

Ques. During the year 1899 were you in any kind of partnership with Mr. W.E. Neff, the plaintiff in this suit, and if so what kind of partnership?

Ans. I do not remember the year, but the year in which W.E. Neff was married I was in partnership with him in the goods business at Ann Va.

Ques. During the months of July and August of that year did you stay in the store as clerk, and if so was there any other clerk in the store at that time?

Ans. I stayed there during the months of July and August, and if there was any other clerk stayed in the store during that time except Will, I do not remember it, I do not think there was, though.

Ques. Do you remember Wm.L.Minter saying in the store as clerk during either of those two months just mentioned?

Ans. If he was there I do not recollect it.

Ques. While W.E.Neff and his wife lived together during the time you stayed in the store, where did you board?

Ans. Except for dinner I satyed at home, when Will and his wife were there I took dinner with them and when they were not I took dinner at Mr.S.S.Surgener's.

Ques. During the time you were taking your dinner at Mr.Neffs did W.L. Minter stay there for dinner as you remember?

Ans. Not that I remember of.

Ques. Are you acquainted with Mrs.Amanda Lawson?

Ans. I am.

Ques. Do you ever remember of her being at W.E.Neff's for dinner during the time that you were there?

Ans. I do not remember any thing about her being there. She might have been there, but if she was I do not recollect it.

Cross Examination.

Ques. Mrs.Lawson could have been there could she not without you ~~knowing~~ knowing it?

Ans. She could have been there when I was not about and I would not have known it and she could have been there when I was there and I not remember any thing about it.

Ques. Could not Mrs.Lawson have eaten dinner at ~~Mr.Neffs~~ Mr.Neffs during the time you stayed there, or during the two months you stayed in the store?

Ans. Yes. She could have eatten after I went out or before I came in for dinner.

Ques. During the year that you and Me.Neff were partners in the goods business did you stay in the store continuously during all that year?

Ans. I was there only a few days outside the two months of August and July.

Ques. Did you stay continuously and all of the two months of Aug and July of that year?

Ans. I think it was about the first of July, and if I lost any time out of that time I do not remember it, I might have lost the last week in Aug.

Ques. By way of refreshing your memory, is it not a fact, that during the said months of July and Aug, that you were out trading more or less?

Ans. I do not recollect if I was, I might have been,

Ques. During the said year and while you and Neff were partners did you not have William L. Minter employed as clerk in the store.

Ans. He stayed there a right smart, but just exactly what time he stayed there I do not know, Bill had him employed, I never had him employed.

Ques. Please state as near as you can the time during said year that the said Minter did stay in said Store.

Ans. I do not remember what time in the year it was was.

Ques. Then can you state positively that Mr. Minter did not stay at Mr. Neff's and in the store any during the said months of July and Aug?

Ans. No I would not say positively that he did not but I do not think he did. *He may have stayed there some during that time but not as clerk as I remember.*

Ques. And further this witness saith not.

*Witness Claims 1 day 50
Paid. mileage 35-
85-*

D. H. Parkey

Witness claims one day and mileage 87 cents.

S.S. Surgence, was summoned as a witness and was in attendance but was not put on the stand and claims attendance, 87 cents.

Virginia, Lee County, to wit:

I, A. B. Munsey, commissioner in chancery for the county court for Lee County, do hereby certify that the foregoing depositions of Alexander Litton, Mary Burchett, and D. H. Parkey, were duly taken, sworn to and subscribed before me at the time and place and for the purpose in the caption mentioned and pursuant to the said adjournment as aforesaid.

Given under my hand this the 22nd day of Oct, 1903.

A. B. Munsey Comr. In Chan.

Mary E. Neff
ad. } Depositions

W. E. Neff

Taken before me as
Commissioner in Chy
and filed as Clerk.
This the 22nd day of
October 1903.

A B Munsey Clerk

Bill of Costs

Comm in Chy	\$ 2.25
Constable	1.20
Witnesses	2.70
	<hr/> \$ 6.15

The further deposition & Cross examination of W^m L. Minter, taken before me J. J. A. Pounce a Commissioner in Chancery for the Circuit Court for Wythe County Virginia, at the Store House of Farmers Mercantile Co., in the town of Rural Retreat, Wythe Co., Va on the 7th day of Oct. 1903, between the hours of 6 A. M. & 8 A. M. ^{subject to the usual exceptions} of that day, to be read as part of the Cross examination of the said Witness's deposition heretofore taken at the law office of E. Lee Trouble in the Town of Wytheville Va on the 30th day of June 1903, to be read as evidence in the behalf of the plaintiff in a suit in Chancery pending in the Circuit Court for Lee County Va wherein W. E. Neff is Plaintiff & Mary E. Neff is defendant. ^{and values being agreed upon by me}
Sunt:- Robt L. Pennington - or Next.

No one for the Pltff.

Further Cross examination by Robt L. Pennington.

Ques 1- Are you the same W^m L. Minter who gave your deposition in this case at the law office of E. Lee Trouble on the 30th day of June 1903.

Ans. I am

Ques 2 Were you at Mr. Neff's the day Mr. Munsey brought Mrs. Neff's plunder, household & other goods to her?

Ans. I was

Ques 3 Was Mr. Robt McIntire there at the time I do not remember about that

Ques 4 In your examination in chief you stated something about Mr. Munsey telling Mr. Neff that some bacon that was brought there by Mrs. Neff. - Please state where this bacon was kept if you know?

Ans When brought there it was put up in ^{shove} in the ~~house~~, but I do not remember where this piece came from, probably from the house, as it had been cut - I do not know where it came from, from the house or shove one -

Ques 5 Do you remember what Mr. Munsey got for the price of the bacon?

Ans I do not remember the price per pound. He took it up in coffee

Ques 6 Was Mr. Dal Parkey staying in the shove on or about August 13th

of that year?

Ans I do not know as to that day. He was shaying in the store about that time.

Ques 7. Where did you board from the time Mr. Keff was married until he and his wife separated?

Ans With Mr. Keff.

Ques 8. If you shaid in the store any afterwards. Where did you board after that?

Ans With J. S. Tanager.

Ques 9. How long did they in the store after Mr. and Mrs. Keff separated?

Ans I was there off and on, for a couple of months.

Ques 10. Did you not keep Mr. Keff part of some boys in the Kitchen, ^{for a board} and did you not also use some other boys stopping up the cracks in the kitchen?

Ans I think I did.

Ques 11. You shaid in your examination in chief that when Mr. Munsey came after Mrs. Keff's things, that

They were packed in some boxes which she had gotten from the store the week before - Do you know that her things were packed away in these boxes of your own knowledge; or was that a statement made upon information which you had from others about that matter?

Ans I know it to be a fact - I seen them myself.

Quer 12 What kind of things were packed in these boxes?

Ans Do not know, may have been bed clothing or her own clothing.

Quer 13. Did she have any other place to keep such things except in boxes to prevent dirt and dust from accumulating on them?

Ans I think she had a trunk, was the only thing I knew of.

Quer 14. Were you present when Mr Murray was packing or having loaded Mr. Jeffs things in the boxes which

5-

You have spoken of?

Ans Yes Sir, I was.

Deer 15 Were you in the house at the time, or were you on the outside of the house at the stone?

Ans I was at the stone, and seen him bringing them from the house.

Deer 16 Is it not a fact that Will Kepp is a very contentious and hard man for anyone to get along with; even his best friends?

Ans I never had any trouble with him myself - He was very easy to get along with myself - I think he was good to his wife as anyone could have been.

Deer 17 Is it not a fact that Mr Kepp often found complaint with his wife's cooking and other household affairs?

Ans Not that I know of.

Deer 18 Do you not know that he would go into the kitchen where his wife was getting meals, and wait on the table?

ing being done in his way, and quarrelling and fussing with her about it?

Ans Not that I know of. I was not in there and could not tell you.

Ques 19 Do you know Alee Tilton of Lee County Virginia?

Ans Yes Sir

Ques 20 Do you remember being at his house sometime after Will and his wife were married, and talking with Mr Tilton about the way in which Will Jeff was acting towards his wife?

Ans I do not.

Ques 21 By way of refreshing your memory I will ask you to state if you did not tell Mr Tilton at his house, sometime after the marriage that Will was very hard to get along with, and that he would go into the kitchen and make a fuss or difference ^{with his wife} about the bread and other victuals being prepared?

Ans I don't remember of it -

Lees 22 At the same time and place did you not tell Mr Lellon that Will Heff was a very hard man to get along with, and if you would pay any attention to him yourself you could not get along with him, and in order to get along with him you had to make a new contract with him nearly every morning when you went into the phone?

Ans I don't remember it -

Lees 23 During the months of July and August of that year, did you act as Clerk in Mr Heff's phone, and did Dal Parkey also stay in the phone at that time?

Ans I don't remember the months, but Dal was in charge part of the time that I was

Lees 24 Going back to the conversation with Mr Lellon I ask you to state if you did not also tell Mr Lellon that when Mr Heff would pick up Alice's boxes

about the stone, and put them in the house, that Will would pitch them out into the yard?

Ans I do not remember -

Dec 25 Were you and Mr Dace Parkie in the stone the day Mr Munsey came after the Bro?

Ans I was. Don't remember about Mr Parkie whether he was or not

Dec 26 What relation are you to W. E. Jeff?

Ans Fourth or fifth Cousin, I don't know which, very far off -

Dec 27 You state in your examination in chief that Mr Jeff treated Mr Jeff very badly and very cruelly. Please state in what particular she so treated him?

Ans In a social way. Rhot answers, and such like things -

Dec 28 You also state in your examination in chief that she said she was not satisfied at times, was

she not Chen has been about the
 place where they were then living?
 Ans I inferred it was the place and
 that she was not satisfied with
 married life either, she was
 harkening about both
 And further their offspring such as
 W. L. Mint

Dec 29

Witness claims
 attendance 50cts
 Paid by R. L. Pennington atty

State of Virginia -

By the County, to-wit:

J. J. A. Powell a Commissioner
 in Chancery for the Circuit Court
 of the County of Wythe in the State
 of Virginia, do hereby certify that the fore-
 going deposition ^{of W. L. Mint} was taken sworn to
 and subscribed before me in manner
 and form, at the place, and for the
 purposes set forth in the Caption
 Given under my hand this 7th day
 of October 1903

J. J. A. Powell

Comm: Chan: Wythe Co: Ch:

Comm: fee
 \$5.00 paid by
 R. L. Pennington atty

W. E.

W. E. Depositions

W. E. May E.

Received by mail
in good condition
and filed October 9th
1903.

A. B. Munsey Clerk

To W. E. Neff,

Take notice that I shall, on the 7th day of October, 1903,
at the store house of Farmers Mercantile Co., in the town of Rural Retreat
Virginia,

between the hours of 6 A. M. and 8 P. M., on that day, proceed to take the depositions
of William L. Minter upon his deposition ~~XXXXXX~~ and others, to be read in evidence in your behalf,
in a certain suit depending in the Circuit court for the County
of Lee wherein you are Plaintiff
and I am defendant,

and if from any cause, the taking of the said depositions be not commenced on that day, or, if com-
menced, be not concluded on that day, the taking of the same will be adjourned and contin-
ued from day to day, or from time to time, ~~at the same place~~ and between the same hours, until
the same shall be completed.

Very respectfully,

Mary E. Neff,

By

Irwin & Pennington Messrs

Mary E. Neff

ads }

NOTICE TO TAKE
DEPOSITIONS.

W.E. Neff

P. B. Ross

p. q.

Virginia, Lee County, to wit:

I hereby certify that on the 30th day of Sept, 1903, I delivered a copy of the within notice to W.E. Neff, in Lee County Virginia.

Mike Williamson

Subscribed and sworn to before me the undersigned this the 1st day of October, 1903. Given under my hand this Oct 1, 1903.

W. E. Leonard

M.D.

Recd Payment of fee 50¢ for executing this notice
of R. L. Pennington this Oct 1, 1903

Mike Williamson

The deposition of Mary E.Neff, taken before me, A.M.Goins, Commissioner in Chancery for the Circuit court for Lee county, Va., at the law office of R.L.Pennington, in the town of Jonesville, on Dec. 2, 1902, pursuant to agreement of attorneys, to be read as evidence on behalf of the defendant in a certain suit pending in chancery in the Circuit court of Lee county, wherein W.E.Neff is plaintiff and the said Mary E.Neff is defendant.

Present: R.L.Pennington, Atty. for defendant;

C.T.Duncan, Atty. for Plaintiff.

Mary E.Neff, a witness of lawful age, and the defendant in this case, being first duly sworn, deposes and says:

Q.1. State your age.

A.1. I am 28 years old.

Q.2. When were you married to W.E.Neff?

A.2. April 12, 1899.

Q.3. Your husband has here brought suit against you for a divorce from the bonds of matrimony, alleging as grounds ~~for~~ the granting of said divorce desertion for a period of more than three years before the institution of this suit. State whether or not you ever abandoned or deserted your husband, W.E.Neff, or ever left him with any such intention on your part.

A.3. I did not.

Q.4. Mr.Neff, in his bill, alleges that upon the last Sunday in July, 1899, or about that time, that you and him made a visit to your parents, and the time arrived for you to return home, and he reminded you of that fact, that to his great surprise and astonishment that you informed him that you would not return with him, and would live with him no longer. State whether or not you did inform him that you would live with him no longer and would not return with him.

A.4. I neve said anything about ^{not} living with him any longer, on that day or any other time.

Q.5. He says also in his bill that he used all the persuasion he knew to get you to return. State whether or not he offered any inducement or persuasion whatever.

A.5. No, sir, he didn't.

Q.6. What was the date, as you remember it, of your last visit to your father's?

A.6. On Sunday, I think it was, the 13th day of August, 1899.

Q.7. Begin and tell all that happened between you and Mr. Neff on that day, from the time you arose in the morning until he left you at your father's on the 13th of Aug., 1899.

Q.7. As well as I can remember, on Sunday morning I asked him if he would not go home with me, or up to pa's. He flew mad and commenced quarrelling, and he says there aint any use in me going up there; there is no money to me in being running up there; they are working people up there and they don't want people laying around them. This was the language he would use every time I would ask him to go home with me. I still kept begging him to go. He said you will have to stay at home to day, that there would be a lot of men in there to talk on the phone, but ^{he} said "I don't aim to stay." Well, I said if you don't aim to stay I don't either. Well, he says hurry and get the work done up and we will go. Well, he commenced quarrelling because I could not get ready as soon as he did, and when we got ready to start he had to borrow a nag or hire a nag from a man who lived a short distance from our house, and he did not get his horse untill we came on up there. He saddled his nag for me to ride and when he brought it up for me to get on he said I want you to hurry and get up and get away from here. He was going to take the store keys up to Mr. Surgner's and leave them there, (this was after he helped me on the horse). I said Willey why did you not take the keys up there before you helped me on the horse and we would both be ready to start at once. He said because I wanted to help you up and ~~gixixixixixix~~ git you started, I wanted to get you gone, your absence is more pleasure than your presence. He took the keys on up to Mr. Surgner's, and I rode on up the road, and waited to see whether he came on or whether he staid there or not. I came on up to where he was going to get the horse, it was from a darkey; he brought the horse out at the gate by the time Willey got up there, and Willey told me to get down off of his horse and give him to ~~to~~ him. I had always been riding his horse until that day, and he had been riding the darkey's horse, and

when he took the saddle off of his horse and put it on the darkey's horse he handed me the bridle and says take this horse and move out. I went to lead the horse out at the gate to get up, and the darkey said to me, wait and I will help you to get up. He was mad all the way and quarrelling all the way up to his father's. We came up to the gate that led out to his father's, he said lets go out to pa's and get dinner. I begged him to lets go on up to my pa's and we would come back by there in the evening. He says no, I am going to stop here. I told him that his mother was sick and not able to get dinner, and I would rather go on and come back by there in the evening. I knew he was still mad, for he would not talk and he was not friendly after we went to the house. After dinner him and his father went out and had a long talk, and he came in then in a little bit better humor, and he said, Mary, if you are going to see ~~to~~ your mamma less go. After we started he began quarrelling and quarrelled all the way up to my father's. It was getting nearly night by the time we got there, and he set around and talked awhile; he did not have much to say, and he got ready to start home, he says, Mary, it is time we were going if you are going. I says, I don't know whether I am going or not. I said then, you have not seen my new dresser pa got me, and we went off in the room to look at that. After we went in the room, he said, Mary, if you are goin less be off. I said I don't know whether I am going or not, unless you will promise me that you will stay with me and treat me better than you have been doing. He says, if you haint, I can't help it. We talked a few more words about one thing and another, I can't remember exactly what words were passed. About that time pa came in the room. The talk got up about Willey leaving me and not staying with me of a night and going to the store; I said I was afraid and lonesome and did not want to live there as I had been doing. Him and pa talked a few words, and he then went out on the porch to start home, and he said, Mary, when shall I come after you. I said when ever you will agree to stay with me and treat me right. He said I never have mistreated you. I says I think you have, or you would have staid with me when I was sick and begged you to stay. He said, "I had that little boy to stay with you". I said I did not go

down there to live with that little boy, you are the one I wanted to stay with me. He started off and said, what shall I do with the horse (meaning the horse I rode there). Pa said, you can take the horse home with you, and if Mary wants to come in the morning, or decides to come, (I do not remember the words), there are plenty of horses here, as he was going down next morning after the cow. It was pa's cow at our house, which he had loaned us to milk, that he had reference to. He said (that is father said) that ~~Mary~~^J had so far to go through the meadow when it would be wet and bad for ~~her~~^{her} to go to milk, that it would be cheaper for ~~me~~^{us} to buy our milk and butter than it would for me to go so far to milk; that he would go and get the cow whether I went back or didn't go back. When father told him to take the horse on with him he walked on down to the yard gate and got on his horse and pa went down and they talked some, but I don't know what was said, and they then went down to the road gate and talked some down there.

Q.8. From the day about which you have been speaking up to the time when Mr. Neff instituted this suit, did you ever see Mr. Neff, have any conversation with him, or any communication from him of any kind; if so, state what it was?

A.8. I never saw him for over a year, I ~~guess~~^{guess} it was, and I was down at the gate one day when he passed the road, and he was riding just as fast as he could ride then, and when he came up he said howdy, and he was riding so fast I don't know whether he knew that I spoke or not. He never halted or checked up his horse^s a bit when he rode^d up, and went right on. I guess it was a year or longer before I saw him again. He then got to coming over in our settlement to preaching, and he would come in and look around in the house and by the time preaching was broke he would be gone, and then, after so long a time, he would come around in a big crowd and say howdy Mary, and would pass right on, and he never sent any word by any one to know if I would live with him or would come back, or never wrote me any letter asking me to come back, or any letter at all.

Q.9. Did he ever visit your father's house any more until after he had brought this suit?

A.9. He did not.

Q.10. While you lived together did he treat you kindly?

~~Ex~~ The foregoing question is objected to because leading and suggestive of the answer desired.

C.T.Duncan, for Plff.

A.10. He did not; his treatment was very unkind.

Q.11. Did he undertake to make his home pleasant, home-like and attractive?

Objected to for the same reasons above,

C.T.Duncan, Atty.

A.11. He did not; he was always quarrelling, did not seem pleasant ~~or~~ or appear to enjoy my company at all.

Q.12. At the time that your father went to Mr.Neff for your furniture and other things, had you abandoned the hope that Mr.Neff was going to live with you?

A.12. Yes, sir, I had; for I had talked to different ones and I ~~never~~ ^{never} heard any one say that they thought he cared any thing for me or that he would ever come after me.

Q.13. Had you not gotten your father to see him and to try to get the matter fixed up between you and him, and had not your father reported to you that he had failed to affect any settlement after having seen him?

Question objected to because irrelevant and immaterial, and because any statement made to her by her father would be hearsay.

C.T.Duncan, Atty.

A.13. Yes, sir, and he also said that Willey said I was not the woman he wanted.

Q.14. How long had Mr.Neff been visiting you and paying his attention to you at the time you were married?

A.14. Some eight years or longer since we got up the first correspondence.

Q.15. During that time had he made you to believe that he really loved and cared for you?

A.15. Not all that time, for we were school mates when we got up our first correspondence, and then we broke off awhile. But for some time before our marriage I thought he thought more of me than any one

else.

Q.16. In your answer you allege that Mr.Neff began his neglect of attention and kindness to you on the very day that you were married. State what neglect this was, what it was he did.

A.16. In the first place, we had the hour set to marry at 10 A.M., and I guess it was 12 M or later when he come, and he was very sad and did not have but little to say. There was something said why he was so late, and he replied that he came by his father's and called awhile, and afterwards he told me that he was in hopes I would grumble because he was late in coming, and if I ^{had} ~~did~~ he aimed to get on his horse and ride off, and he said he would have gone back on me any way after pa told me that he did not have any money to give us now, but that he would help us later on, if he had not been afraid I would have lawed him. We started the evening ~~after~~ we were married to Knoxville. We went to Hubbard spring in a hack, and he paid but little attention to me on the road over there. He walked most of the way instead of riding, and when he did ride he sit down on the side of the Hed instead of riding on the seat. We went to Mr.Noe's and took supper and waited for the train. He did not pay but little attention to me there at Mr.Noe's, and he wanted to know if I had been a girl that had been raised to go about over the country by myself, or had I been used to company, said He had much rather that I had been a girl that had been used to going by myself, that he did not intend to go with me much. When we got on the train he seated me one place and he went to another. When we got down to Rose Hill he said he would have to get off and get a ticket, and the train started before he came back, and I called to the conductor to know where Mr.Neff was and he said he was on the train, and I said, no, he has'nt come in yet, and he says, he is in younder in the smoking car. We went on down to Cumberland Gap and we staid all night. Next morning Willey said, Mary I have took a notion of going back this morning, what do you say? (we had started with the intention of staying two or three days). I said I am willing to do any thing you say, I am making this trip to please you. We went on to Knoxville that morning and returned to the Gap that evening. He did not treat me very kind in Knoxville; he went

on with the drummers and did not pay much attention to me. After we came back to the Gap that night, which was about or a little while before dark, and after supper Willey said he was going out in town, and he locked the door and locked me up up stairs and took the key with him, and he staid until away late in the night and come back and went to bed and never spoke. Next morning we got on the train and came up to Rose Hill, and a boy met us there with some horses, and we came up to Mr. Surgner's on Saturday morning and ~~taken~~^{took} dinner and staid Saturday night, and he treated me verry distant and cool after we got there, and on Saturday evening he said that he wanted me to go home and see if my mother would give me a hen and chickens, and on Sunday morning we went to Friendship to preaching, and he told me he would take me to his father's that evening and leave me, that he had to go back to the store that evening, and that next morning he would get his father to send me home by a little boy, (I mean would send me to my father's) ~~xxxxxxxxxxxx~~. I went to my father's the next morning and I staid until Friday, and I never told my people anything about Willey sending me home, and on Friday pa said, Mary, if you are going to do any god^d you had better go home, as Willey has but one horse, he will have to hire one or borrow one, ~~and~~^{as} you have ~~it~~^{his} up here, and I will go down with you this morning. When we got down there he treated us very distant, I thought, and did not seem that he was glad to see us. That evening we fixed up for house keeping and went to doing our own cooking. In a few days he went to grumbling about my baking bread, and kept on quarrelling from one thing to another from that time on. He commenced quarrelling about wanting me to stay in the store as clerk. I told him that I thought it would be much better for him ~~to~~ to get Mr. Minter to clerk, as he had been there, than it would to get a girl to do the house work. In a short time he got Francis Whisman to stay, and in a few days after she come there he turned Mr. Minter off, and then he wanted me to be clerk and I told him I did not want to, that I did not know much about it, that he would not stay there and give me any instructions. When I would ask him where any thing was at in the store, he would say, hunt it and find it, that is what I have to do. May^{be} I would do something during

the day that did not suit him, and when night would come he would quarrel about it. I staid in the store day after day; may be ^{he} would want me to stay until he would go off in the neighborhood or in a swimming, and because I could not stay, he would quarrel and say you have not staid in the store more than a day or day and a half in all that you have staid in the store. At last I told him I was going to quit staying in the store and may be the fursre would stop then. After Francis left he brought that little boy there then, I think she staid seven weeks. The evening he brought the little boy there, after supper, he said Mary you can fix this boy a bed to sleep in where you please, he said I am going to the store to stay to night, and I commenced begging him not to leave me that I did not want him to go, and I followed him to the door and I sit down in the door and began crying. He said you need not cry nor say narry word for I am going, and he went on to the store. He kept on going to the store to sleep of a night and I kept on begging him not to go, that I was afraid and lonesom and did not want him to leave, and he said he had made arrangement for two women to meet him there every night. He said the pretty one came about midnight and the other about tow o'clock.

The further taking of these depositions are adjourned over until to-morrow morning at 8:30 A.M., at the same place. This Dec. 2, 1903.

..... *A. M. Louis,*
Comr

Met pursuant to adjournment at the law office of R.L. Pennington. Dec 3rd, 1903.

..... *A. M. Louis*
 Commissioner.

Q. 17. In answer to the foregoing question you stated that Mr. Neff told you after you were married that he hoped that you would grumble because he was late in coming at the time you were married, and told you if you ^{had} ~~and~~ he aimed to get on his horse and ride off. You say also that he told you that he would have gone back on you after your father told ^{you} ~~him~~ that he had no money to give you at that time. I will ask you to state when and where it was he told you these things.

A. 17. It was down at our home one day when he was mad and quarrel-
 ling at the

ling at something.

Q.18. What became of you in Knoxville after Mr.Neff went off with the drummers?

A.18. Mr.Carr, a drummer, taken care of me. Willey went on with the drummers, and Mr.Carr took us out to the hotel and we got dinner.

Q.19. Did he give you any reason why he locked you in the hotel at Cumberland Gap?

A.19. He said he would lock the door and I could stay at the hotel until he came back.

Q.20. Do you know whose horses it was that met you at ~~the~~ Rose Hill, and when the arrangement was made for the horses to meet you?

A.20. One of the horses was Mr. McClure's and the other was Mr.Neff's. He said he phoned to Mr.Minter the morning we got back to Rose Hill to send the horses. We waited at Rose Hill a right smart while till the horse came.

Q.21. On the day Mr.Neff took you home for the last time, by the way of refreshing your memory, I will ask you to state if on the road if he did not tell you that he married you to make him money and you had failed to do it, or words to that effect? State the language he used to you as nearly as you can.

Objected to because leading, irrelevant, immaterial.

C.T.Duncan, Atty. &c.

A.21. He said, "I married you to make money for me and you havent done it," or "haint a doing it," and I don't know which. He said I never had been any thing but an expense to him since I had been down there.

Q.22. At what is known as the Big Spring at Wm.Young's, on the way to your father's, the last day Mr.Neff took you home, did you see Hiram J.Yeary and John H.Saddler, at or near that place?

~~xx~~ Objected to because immaterial and irrelevant.

Duncan, Atty.

A.22. I did.

Q.23. Was Mr.Neff at the time you passed this place quarreling and fursing at you?

~~xx~~ Objected to because leading and suggestive of the answer desired. *Duncan Atty.*

A.23. He was.

Q.24. In you answer it is stated that Mr.Neff shunned you and often when you would come into his presence that he would tell you to get out of his sight that your absence was preferable to your presence, and that often he would tell you to go home to your father and stay there. If such language was used to you, give the words so used as near as you can, when and where it was, and how often as near as you can tell that such language was used to you.

A.24. He would tell me that ^{at} different times. When ever he would get mad at me about any thing he would say to me, your absence is more preferable than your presence. ^{He} ~~He~~ would tell me this whenever he would get mad at me, which was often. Every night when he would stay at the house he would drive me into the back room to sleep. He would say Mary when are you going to bed? He would say get up and take that light and get out of here and would not even let me keep the light burning in the back room. He told me time and again I could go home to my father's and stay, that he did not want me there ^{no way.}

Q.25. Do you remember coming up to your father's with ~~him~~ ^{the Neff} or along with him on one occasion when he brought some sheep up to his father's, and when he got to the forks of the road, you went on to your father's and he went on to his father's. Do you remember an occasion like that?

A.25. I remember the time, it was some time in May, towards the last of May.

Q.26. If he said any thing to you about going home, state what it was.

A. 26. He was mad and quarreling about something, I can't remember what it was, and he said I need not come back down there any more, for your absence is more pleasure than ^{you} presence (these were the words he always used). He had reference to coming back down to where we lived. I remember of another time of going home and he went a piece of the way with me, and he was quarreling then, and he said don't you say narry word for if you do I will turn you back right here, for you are mine and the mare is mine.

Q.27. How far was the dwelling house from the store house, where you lived?

A.27. I would guess 30 or 40 yards, or may be farther. About the

same distance as from R.L.Pennington's law office to Gibson's store house.

Q.28. Did Mr.Neff stay at the dwelling house or store house?~~xxxxxx~~

A.28. At first he staid at the house--up to the time that Mrs Whisman came-- and then he staid at the sore most of the time. After she left he came back to the house and staid untill he brought the little boy there, and then he went to the store and staid most of the time.

Q.29. While you lived with your husband, did you try to be faithful, loving and dutiful wife, kind to your husband, and faithful to him?

XX Objected to because leading,

C.T.Duncan, Atty. &c.

A.29. I tried to be the best I could under the circumstances, for he shunned my company all that he could.

Q.30.Up to the time of the bringing of this suit, were you willing for the reconcil~~i~~ation of the differences existing between you and Mr.Neff, and willing to live with him if he would give you reasonably fair treatment?

Objected to because leading.

Duncan, Atty. &c.

A.30. Yes, sir, I was.

Q.31. After the suit was brought, and Mr.Neff had made propositions of the settlement of reconciliation, why was it that you did not accept the terms offered by him?

A.31. Because he never made me any proposition that he would do any better than when we were living together.

Q.32. Tell what happended between you and him when he visited you pending those negotiations.

A.32. The first time he came he brought a hack or vehicle and a man and a boy with him, and he seemed very distant, and he set around and talked a little while and he said Mary I want to have a private talk with you. The day was a very cold day, and pa went out into another room to make us a fire, and while pa was gone to make the fire he said Mary you have an invitation to go home, and if you are going get on your blues. I did not make him any answer at that time, and after that we had a private talk, and he was out on the porch

ready to start home, and he went to the door of the room that Mr. Ely was in and said Mr. Ely I am ready to go, and as Mr. Ely walked out on the porch Willey said Mary you have an invitation to go home, and if you are going less go, and just walked off. I said, Willey, it aint time for me to go yet, you have not got that suit out of court that you brought against me there, and he said it is my suit and I can draw it whenever I get ready, and I said you could have drawn it if I had not answered your bill, but there has to be something else done. Then he said something else, but I can't remember what it was, and I said Willey you are the one that has brought this suit; I said if I had been the one to have brought the suit it would never have been brought, and he just walked off and did not say any thing more that I remember of, and sometime after that on Sunday morning, he came back and took dinner at our house, and in the evening we had a private talk, and he would not talk any thing at all about trying to reconcile the differences that were existing between us, and I asked him if he had any proposition to make, and he said he was'nt lawing on Sunday, and he went off then and came back next morning and just as he rode up to the gate Miss Burchett came in and they both came into the house about the same time and he got to talking about her girls and about people marrying and he said several things that hurt her feelings and she fired him pretty stout, and he got mad and fixed to leave. I commenced talking to him about us trying to reconcile this little difficulty and asked him what proposition he had to make, and he said I have none, he said you can't make me over nor I can't make you over, and I said Willey I am not trying to make you over. I said I only ask you to change your own ways. I said we both could change if we would try. I don't remember that he made me any answer. He walked out on the porch and I went out on the porch and kept talking to him. He would not give me any satisfaction any way and just walked off down to the gate and got on his horse and started. Sometime after that, but I can't say how long it was, he came back again, and he talked around in a bluffing manner as though he aimed to scare me and make me go back and stay with him, and told me that if I didn't go back he would advertise me and make me go, and that he wanted me to ^{with the claim of} draw allimony, and said that if I didn't

~~didn't~~ I would never get to Heaven, for that a woman could never get there and draw alimony off her her husband, or words to that effect.

Q.33. Did you or not beleive him to be sincer in making propositions of compromise and reconcil~~i~~ation, and in bringing about a settlement of the suit which was pending?

A.32. No sir, I did not.

Q.34. What did you beleive was his object in making the propositions which he did?

A.34. I thought his counsel had advised him to do this to seek the advantage of me in the suit.

Q.35. What did you beleive that he would do if you agreed to go back with him, and did go back with him, on the terms proposed by him, after the suit was dismissed and the case was out of court?

A.35. I thought that he would get up and leave me and go to some other state and get his divorce, for I asked him where he would take me if I went home with him, and he said I don't know, for I never know one day what I will do the next.

Q.36. Have you any means of support; that is, have you any property of your own?

A.36. I have two calves, and other things amounting to something over \$100.00.

Q.37. Has Mr. Neff contributed anything to your support/since you were separated in Aug., 1899, outside the \$100 ^{decreed} ~~agreed~~ to be paid in this cause?

A.32. He has not.

Q.38. Are you acquainted with Amanda Lawson, who gave her deposition in this cause?

A.38. I ~~am~~.

Q.39. In her~~e~~ deposition, she states that she went to your house to see a piece of carpet and that you told her that the reason you did not cut the carpet and put it down was that you was not satisfied to live there. State whether or not you used any such language to her on that occasion.

A. 39. I did not ~~use~~ such language as that, and I don't know that I gave any reason for not putting the carpet down.

Q.40. She said also, there were a few more words, and you said "I am

going to my father's or papá's". State if you used that or any similar language.

A.40. No sir, I did not.

Q.41.-- Mrs. Lawson also says that you said to her that you never expected to have any children by that bald headed Bill Neff. Did you use this language to her?

A.41.-- No sir. There was nothing said about children as I remember of.

Q.42.-- She also states that Mr. Neff said that you kicked him out of the bed or off of the door and locked it &c. State whether or not any such language as that was used in your presence?

A.42.-- There was not any such language used while she staid there, in my presence.

Q.43.-- State what did occur on that day between you and Mrs. Lawson and Will Neff.

A.43.-- Mrs. Lawson and Willie came to the house just a few minutes before I got dinner ready. I was busy about my dinner, and I went to the kitchen door and invited her to go in and take a chair, that I would be in in a few minutes, and when I went in her and Willie were looking at the sewing machine. She said that she wanted to get Willie to order her one and she came out to see that one, and she talked about the machine until she got ready to start and she said "I must get ready to go", and I invited her to stay for dinner. She did so, and after dinner Willie went out to the store, and I brought out the carpet and showed her and she liked it so well she said "I'll weave some just like it". We went out to the store then and she finished trading, and she says "Mary if I can't put my carpet in like yours when I go home, I will send for you to-morrow. And Willie says "you needn't to send for she may be gone home". And Mrs. Lawson says "Mary don't leave before 12 o'clock any way, if I send I will send before that time". And there was not any such talk passed as she says there was, as I have any recollection of.

Q.44.-- Do you know William N. Burchett who gave his deposition in this case?

A.44.-- I do.

Q.45.-- In his deposition he states: " I heard Mrs. Neff say in a conversation with some ~~man~~^{woman}, I do not remember at this time who the woman was, that she did not intend to live with him, that she did not intend to raise any kids by the bald headed scoundrel &c." State whether or not you used any such language as Mr. Burchett testifies in his deposition?

A.45.-- I never did use any such language to any one.

Q.46.-- Do you know Sterling Barns?

A.--I have no acquaintance with him. I saw him~~her~~ here to know him the day he was a witness.

Q.47.-- Did you hear him give his deposition in this case?

A.-- I did.

Q.48.-- He states in his deposition that he was at Mr. Neff's to buy some potatoes, that you were present when the potatoes or a portion of them were being measured up, that he and you had a difference about the potato~~es~~, and that you said "the dern bald headed fool, or the dern fool bald headed son of a bitch, he never did know what he was doing". State whether you ~~used~~ used any such language to him or to any one else.

A.-- I was not out where they were measuring the potatoes, and I never used any such language to him or to any one else.

Q.49.-- Do you know Martha Medlock?

A.-- I know her when I see her, but I have no acquaintance with her.

Q.50.-- In her deposition she states that at Jefferson Neff's house, and to his wife, you said "that William Neff would never remember finding any kid by ~~her~~^{you}". State if you used any such language.

A.-- She never heard any such language at Mr. Neff's or any where else. I never used any such language.

Q.51.-- What was said between you and Mrs. Neff about Will on that day when you were there?

A.-- Well we were talking about my treatment, and she says " If I were you and had a good home I would go to it".

Q.52.-- Do you know Mollie Scott, who gave her deposition in this case?

A.-- I do.

Q.53!-- Did you hear her give her testimony in this case?

A.-- I did.

Q.54.-- I will ask you to give in your own language a statement of what occurred between you and her at the times and places mentioned in her deposition?

A.-- I was here at the Association a year ago last September, and at dinner time one of the Misegirls says "Mrs. Neff take dinner with us" and Mollie was with those girls and I taken dinner with Mr. Sparks, and after she eat dinner with Mr. Mise's she came down to where I was at, and she says, "are you Will Neff's wife?" I says "I pass for it". She says "Well I thought you was when I heard that girl call you Mrs. Neff" and she said " I am glad to meet you for I live right close to where Willie sells goods". She says "I am glad I got to see you for I have heard so much talk about you, for everybody over in our settlement wants to see you". And she says " I am the fisrt one that has got to see you from over there. And I said back to her " You are the first one that has got to see the show, as you wanted to see me so bad" And then she said "Do you allow any one to talk to you on the subject about you and Will?" And I said "If they didn't say anything out ~~of~~ the way I do". She talked on and several more words passed but I don't remember what was said. She asked me if I thought we would ever get back together any more. And I said "I don'y know for I don't know whether Willie wants me back or not" and I asked her if she thought he did or had ever heard him say anything about it. She said she had never heard him say anything about it but from what other people had told her she didn't think he did. And I said ~~xxx~~ "If he never comes back to see me (or something to that amount) who is he sparking over there?" And she said she didn't know whether any one or not, but that she thought that Susie Andis was struck on him, for she had been bragging about going to Camp-meeting and Association in Mr. Neff's buggy. And I said "I reckon if she thinks so much of him I reckon she is the girl he bought a bracelet and put on her arm at Camp-

meeting". And she says "I didn't know he had bought any bracelet and put on any girl's arm. I told her that I heard he did and asked her if she could find out whether she was the one or not, and she told me that she would do so. I believe that is about all.

Q55.-- Is Harrison Orick, the boy who gave his deposition in this case, the same boy that ^tsaid with you at Mr. Neff's?

A.-- Yes sir I suppose he was, but he has changed a great deal since he was there.

Q 56'-- In his deposition he states that while he was staying at your house he saw you spit in Mr. Neff's face three times over a smoothing iron. Tell all that happened about the smoothing iron.

A.-- I was down at Mr. McClures and borrowed some smoothing irons - one or two, I don't know which - and as Harrison was with me he took the irons and went on to the house before I got there. Willie was standing on the porch when I went. I knowed he was mad before I got to the house because he commenced quarrelling about the irons, and he kept on quarrelling until at last he sent the irons home before I had used them. And he kept on quarrelling about the irons after he had sent them home, and went and got the reasor and let on like he was going to shave, and he quarrelled awhile until he said he had a good mind or a good notion to slap my jaws, and after awhile he went and put the reasor away and went on to the store, and staid awhile, and then he come back and commenced quarrelling about the irons againx and walked up and commenced slapping my jaws. I kept walking backwards until I got to the partition door, and then I says "Willie if you come any further I am going to spit on you" and he kept walking on till at last I did spit on him.

Q.57.-- Was your spitting on Mr. Neff the result of the provocation by slapping your jaws and quarrelling at you?

A.-- Yes sir, it was.

Q.58.-- Are you acquainted with William Minter?

A.--, I am.

Q.59.-- In his deposition in this case he states that you said you were not satisfied and at times would talk of going home, as to whether you really meant it or not that is left to be ascertained,

Please state if you used any such language to Mr. Minter.

A.-- I never said anything about going home only on a visit, and I don't know that he ever heard me say anything about that.

Q.60.-- Mr. Minter is asked whether or not he knew of any preparation that you made about packing up your things preparatory to going home, in reply to which he said that you got some boxes at the store but he did not know what you were going to do with them. State whether or not you made any preparation when you left Mr. Neff's the last time by packing up your things in boxes or otherwise, preparatory to leaving Mr. Neff?

A.-- I did not. I had some bed clothing in one box that Willie took out there to put bed clothing or wearing clothing in, as I didn't have anywhere else to put them.

Q.61.-- Did you pack up anything, cloths or anything else for the purpose or intention of leaving Mr. Neff?

A.-- I did not.

~~XXXXXX~~

X-Examination.

Q.1. Do you want a divorce from W.E.Neff?

A.1. I didn't until after the bring^{ing} of this suit, and when he laid in his bill asking for a divorce, I also ask for one.

Q.2. Do you object to W.E.Neff getting a divorce from you?

A.2. Not if the court will give me one too.

Q.3. Then if ~~if~~ you want a divorce yourself and do not object to his having one why are you defending this suit so vigorously?

A.3. I am not making any fight to his getting his divorce. I only ~~ask~~ ask alimony for the purpose of having something for my maintenance hereafter.

Q.4. Then your whole fight against Mr.Neff, and your whole contention in this case, is to get money out of him, is it not?

The foregoing question is objected to because the defendants contention is fully set out in the pleadings, and the question asked is therefore impertinent and immaterial.

R.L.Pennington, Atty &c.

A.4. I would not have answered his bill but he alleged me with deser-

tion, of which I was not guilty.

Q.5. Then please state what is the purpose of your defense, to get money out of him, or to contradict the charge of desertion or abandonment?

The foregoing question is objected to because the pleadings in the case, and especially the answer of the defendant show exactly her contention. This answer shows that her contention is that she did not abandon Mr Neff and desert him, but that he abandoned and deserted her. Her answer shows that she claims alimony, and claims that she is entitled to a divorce because the plaintiff abandoned her, and not she him.

R.L.Pennington, Atty.

A.5. My answer to his bill shows very plainly what my object is.

Q.6. Then you are not willing, if I understand you correctly, to state under oath what your object is in this defense, am I correct in this?.

A-- I think I have answered very plainly.

Q.7. How long after you and Mr.Neff were married until you became dissatisfied with your bargain?

XXXI. Objected to because the witness has not stated that she was dissatisfied with her bargain at any time.

Pennington, Atty.

A--I have never said that I was dissatisfied.

Q.8. Were you, or were you not, dissatisfied with your bargain?

A--I was not dissatisfied bad enough to abandon him.

Q.9. Were you sufficiently dissatisfied to require of him a change in his conduct toward you, and if you state you were, please state when you become so?

Yes,

A--^AI would have liked for him to have done different if he would; I became so when he commenced mistreating me.

Q.10. On the 13 day of Aug., 1899, when you and he went to your father's, was it not your purpose when you started ~~h~~ to your father's on that day, not to return again to Mr.Neff's home?

A--No sir, it was'nt.

Q.11. When did you come to the conclusion that you would not return with him?

A-- I have'nt said that I had ever come to that conclusion.

Q.12. Well, did you or did you not, on that day determine that you would not return with him to his home?

A--No sir, I didn't.

Q.13. Well, you did not return with him did you? And now please state why it was you did not return with him if you had'nt determined that you would not?

A.. No sir. Because he went off and left me.

Q.14. Why, did he not ask you to go home with him?

A-- Well, he said Mary, if you are going less go.

Q.15. Well, did you not refuse to go?

A-- There had not been any thing said about going, and I do not know why he said "if you are going".

Q.16. I will repeat my question again. Did you not refuse to return home with him on that day?

A---I only said, "Willey, I don't know whether I am going or not", unless you will stay with me and treat me better than you have been doing".

Q.17. Did you go with him then, or have you ever since returned to him?

A-- No sir, and I have never since returned to him; as I was always expecting him to come for me as he took me home and left me.

Q.18 Was it his proposition or yours that you went to your father's on that day?

A--It was mine; I asked him to go on a visit.

Q.19. Then you took him with you, instead of him taking you with him, did you not?

A--May be he went without taking.

Q20. Did he not object very seriously that morning to going?

A-- He did not say any more that morning than he always said when I asked him to go. It did not make any difference when I asked him to go he would say ~~there would say~~ there is no use in my going up there, there is no money to me to be going up there. He never did go but just a few times. When I went I had to go by myself.

Q.21. Repeating again my question. Will you please state, whether or not Mr.Neff, on that morning objected to you and he going to your

father's on that day?

A--No sir, I don't know that he said any thing about my going.

Q.22. Did he not tell you that you would have to stay at home that day, that there would be a lot of men there to talk on the phone?

A--Yes, sir. But after he said that he told me to hurry and get ready and we would go.

Q.23. Well, he said that didn't he in answer to you persistent begging him to go?

A--Yes, sir.

Q.24. Why did you not return with him that evening?

A-- Because he walked off and ~~let~~^{left} me, or rode off, which ever you please to call it.

Q.25. Is that all the reason?

A-- I thought he didn't want me to go home with him.

Q.26. How many times that evening before ~~xam~~ he left did he propose to you for you and him to go home?

A--He only said that twice, using those words, and I do not know why he said "if you are going", when nothing had been said about my not going.

Q.27. Each time he proposed to you to start home, you replied that you did not know that you were going, did you not?

A--Yes, sir. Once I did not give him any reason for making him such an answer, and the nexttime I said I don't know whether I am going or not unless you are going to stay with me and treat me better, as I was tired of living alone as I had been doing. I only said that with the expectation that if he cared any thing for me he would agree to do different from what he had been doing.

Q.28. Are not these the exact words Mr. Neff used when he first suggested that it was time to start: "Mary, I guess it is about time we were going"

A.. No, sir, it aint.

Q.29. On that evening, and when he was about starting, did he not ask you when he must come for you?

A--Yes, sir. And I told him whenever he would agree to stay with me and treat me right.

Q.30. Did he not claim there that evening that he never had mistreated you?

A-- He always claimed that he had never mistreated me, and a man never mistreats his wife unless he whips her, ~~Nxxxxi~~ as he said.

Q.31. Repeating my question again. I will ask you to state if Mr.Neff did'nt claim there at your father's that evening, that he had never mistreated you?

A--Yes, he said that, and I said, Willie, I think you did or you would ~~xxxxx~~staid with me when I was sick, and I begged you to stay.

Q.32. When were you sick and how long?

A--- It was one Sunday when we had been to preaching and I went home with the sick headache.

Q.32. When Mr.Neff first proposed to you that evening to go home, did you not propose to him to go in the room with you and look at a dresser which your father had bought for you, and when you started did you not motion to you father to follow you and Mr.Neff in the room?

A--No, sir, I did'nt. *I did propose to go in look at the dresser but I did not motion for my father*

Q.34. What other treatment of Mr.Neff, except not staying in the room with you that evening when you was sick, did you complain of to him on that occasion?

A--For leaving me alone of nights and going off to the store, and quarrelling at me so much, and about keeping those women there at the store.

Q.35. You mentioned all these things that evening over there at your father's, did you?

A--All except the women, I can't remember that any thing was said about them that evening or not.

Q36.-- You never believed did you that he was keeping other women in the store?

A--I did not know whether he was or was not.

Q.37.Did you beleive that he was keeping women in the store?

A-- I did not know whether to beleive it or not; I did not watch the store to see whether any body come to the store or did'nt.

Q38. Then if I understand you correctly, all the mistreatment of Mr.

Neff of which you complain was his failing to stay in the room with you the evening you had the sick headache, his quarrelling at you, his staying at the store some nights and his telling you that he had women to come to see him at the store? Is this all? If not, state any thing else of which you complain.

A-- This is not all: I did not want to be left alone; I did not want to be driven out of the room into another by myself; and I wanted him to be kind and friendly and affectionate.

Q.39. Were you always kind and affectionate to him?

A-- I would have been if he would have let me, but he would not let me stay where he was. He would not stay at the house, and if I went to the store where he was ~~at~~ he would go to the house, and if I went to the house then he would go out and set under a shade tree.

Q.40. How many times did you spit in his face; on how many different occasions?

A..Only once, and would not have done that if he had not been slapping my jaws.

Q41. On how many occasions, if any, when he gave you candy, would you throw it back at him?

A-- I never threw any at him, that I have any recollection of.

Q.42. On one occasion while you and he were living together down at Ann, did you not come into the store where he and Dick Bell had cut open a watermelon, and did not Mr. Neff cut off a piece and give it to you and you threw it down on the floor and kicked it out of doors and quarrelled at him, then went out of doors yourself and said "Bill Neff, the durned old son of bitch, did not have any sense any way;" or words to that effect?

A--No, sir; I never saw him and Bell have any watermelon, or eating any watermelon at the store; nor I never used the language you have down there.

Q.43. On another occasion, while you lived there together, in presence of Sam Anderson, did you not threaten, or tell Mr. Neff that you would leave him, and did he not tell you that he did not want you to leave him, that he was able and would take care of you, or words to that effect?

A--I never had any such talk, or said anything about leaving, and

Willey never used any such language in my presence.

The further taking of these depositions are adjourned over until to-morrow morning at 8 O'clk A.M., at the same place. This Dec. 3., 1903.

..... *A. M. Goins*

Commissioner.

Met pursuant to adjournment at the Law office of R.L. Pennington, Dec. 4th, 1903,

..... *A. M. Goins*

Commissioner.

Q.44. You state in answer to one of the questions heretofore propounded to you that you were always kind and affectionate to Mr. Neff. Now will you please state what you think are the duties of a kind and affectionate wife to her husband.

A--To treat him kind and be friendly and respect him above all others.

Q.45. According to your opinion, are those all the duties she owes to him?

A--No, sir, I don't think it is, but I don't know that I can give you any more now.

Q.46. Is it not a fact that while you and Mr. Neff were living together at Ann, that you refused to sleep in the room with him, on various occasions?

A--No, sir, I would have staid in the room with him every night, but he would not allow me that privilege.

Q.47. On one occasion, while Francis Whisman was living with you, did you not lock yourself in the room, away from Mr. Neff, when he was begging and pleading with you to sleep in the room with him?

A--I only locked the door a few nights when he was quarrelling ~~and~~ ^{and} going on to such an extent that I did not know but what he would kill me before morning, and I did not aim for him to come into the room unless I knew it. The evening you was speaking of, or that night, he had been quarrelling about my not staying in the store and he come to the house and got his pistol and went back out to the store, but I don't know what he done with the pistol, whether he kept it or what he done with it.

Q.48. On that occasion, did he not beg you to come out in the room and sleep with him, and ask Miss Whisman to beg you to come out and sleep with him?

A---~~xxxx~~ He did, he asked me to stay in his room that night, or something to that effect. He did not ask Miss Whisman to beg me to come out and sleep with him. I went in his room to stay that night and he still kept quarrelling so much that I finally went back to my own room. Francis said, "Mary, why did you not stay in Willey's room," and I said because he quarrelled so at me.

Q.49. On that night, did he not come into the room where you and Miss Whisman were, take you by the arm and say, "Mary, I think you might come into the room and sleep with me and show me some respect"?

A--No, sir, he didn't.

Q.50. On another occasion, when two drummers came to your house, Mr.Kidd and Mr.Cameron, did you not go off into the west room of the house, shut the door and lock yourself in?

A-- No, sir, I didn't.

Q.51. Did you not object to being a wife to Mr.Neff, and running the risk of bearing children by him?

A--I did not say anything against being a wife when he would treat me with the respect of a husband.

Q.52. Did you not object to running any risk of bearing children by him?

A--I did not.

Q.53. Did you at any time while you were married willing^{ly} allow him to have connection with you as a husband?

A--If he didn't it was his fault.

Q.54. Repeating my question again. Did you at any time, while you and Mr.Neff were living together as husband and wife, willing on your part, allow him to have connection with you as a husband?

A--Yes, sir.

Q.55. Didn't you always, on such occasions, fight him, scratch him, ~~bite~~^{bite} him, and frequently leaving your marks upon him?

A--No, sir, I didn't.

Q.56. Did you never scratch him nor ~~bite~~^{bite} him?

A-- I had other use for my teeth in place of ~~bite~~^{bite}ing Bill Neff with.

Q.57. Well, now please answer my question. Did you never scratch him nor ~~bite~~^{bite} him?

Q.58. Well, repeating the question again. Did you ever scratch him or ~~bite~~ him?

Q.59. On one occasion while you were living at Ann, did he not try to have connection with you and you caught his ear between you teeth and bit it almost through, leaving a mark that lasted several days?

Q.60. You state in answer to questions that have heretofore been propounded to you, that you were willing upto the time this suit was brought to have returned to Mr.Neff and live with him. Were you ever at any time willing ~~to return to~~ to return to and live with him without exacting from him promises and conditions?

A--No, sir, I was'nt; ~~xxxxxxixxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx~~
~~xxxxixixonlyxaskedxhimxtomakexxxxxxxxxxxxxxxxx~~ I would have wanted
him to have made me some promises that he would have staid with me
and treated me right. I could not have afforded to have gone back
and been left alone.

A--He went off and left me when he did not know whether I could get any one to stay with me or not.

Q.62. During the four months that you and he lived together, how many nights, if any, did he ever stay away from home?

A--I don't remember exactly how many, but a good many.

Q.62. Can you remember a single instance during the four months you and him lived together, that he staid away from the premises there and if you do,tell where he staid and what his business was?

A-- Well, he would say that he was going to town and he would generally start the evening before, and go as far as Winter's, so he said, and then he went out a sheep buying and staid all night and did not tell me when he would be back.

Q.64. On these occasions, did he not leave some body with you?

A--Sometimes he would leave some body, and sometimes he would say do you reckon you can get Francis to stay with you to night, and I

would say I don't know whether I can or not, and he would go off not knowing whether I could get any one or not.

Q.65. During the time you and he lived together, was there any part of the time that he did not have some body living with you, if so how much of the time?

A--Well, I don't reckon there was any of the time that he did not have some body, part of the time that little child was there, but I don't call a little child 6 or 7 years old much company of a night.

Q.66. How long did Janey Minter stay with you?

A--She came there on a visit and staid two or three days--about two days I think.

Q.67. Did'nt she stay there a week or two?

A-- No, sir, she did'nt.

Q.68. How often did you go way from home and leave him alone while you were living together?

A--I don't know that I ever left him alone without he had that little boy, or a clerk, or some one to stay with him.

Q.69. You left him pretty frequently, did'nt you, and went back to your father's while you were living together?

A--I never did leave him but one night, except when I went home to visit my people. I don't remember how often I went home.

Q.70. Did'nt you go almost every week?

A--No, sir, I did'nt, and I wouldn't have went near as much as I did ~~xxx~~ if it had not been for his treatment.

Q.71. Just the week before, or about a week before, had you not been at your father's and staid two or three days?

A--Yes, sir, I had.

Q.72. While you were up there, did you not make it up in your mind that you would have him to take you there on the day you went and then not return with him?

A--No, sir, I did'nt.

Q.73. Well, then, why did you insist on going back on that Sunday and so soon after you had been there and staid two or three days?

A--Because Willey would'nt hardly stay at home on Sunday, and I thought we had just as well go there as anywhere on that day.

Q.74. You state that you would have never have been willing after you went to your father's to have returned to Mr.Neff without his making promises and conditions to you. What promises and conditions would you have wanted?

A--I would only have wanted the promise that he would have treated me with the respect of a husband.

Q.75. After the institution of this suit, did he not make these very promises to you in writing?

A--If he did I have no recollection of them. He wrote me some letters and they will show for themselves.

Q.76. I now hand you a paper, signed by W.E.Neff, dated on the 2nd day of Feb., 1903, and ask you to state if you did not receive from Mr. Neff said paper, which is in the nature of an agreement between you and him, and did you not decline to sign that paper and declined to return to him on the conditions therein proposed?

A--I guess this is a copy of the paper, or a duplicate, of what I received from Mr.Neff. I did decline to sign the paper, or return to him on the conditions therein proposed.

Q.77. What other condition or conditions, aside from those contained in that agreement, did you want Mr.Neff to make to you, as means of reconciliation between you?

A--I wanted him to make me the promise of his good treatment hereafter, which he refused to do, and then I asked him to give me a lien on his ~~property~~ ^{property}, to show that he was in good faith, and if he did leave me that I would have something for my protection, which he said he would not do.

Q.78. Does not this paper which I have just shown to you, contain all the promises of good treatment that could be made, and if you say that it does not, please point out or name what it likes?

The foregoing question is objected to because the writing itself shows what it contains, and it is not the business of the witness to construe the paper, but that of the court. A further general objection is here made to all questions heretofore asked, or which may hereafter be asked, in reference to a settlement and compromise of the differences existing and at issue in this suit, because matter of com-

promise can never be given in evidence on behalf of either one of the litigants.

R.L.Pennington, Atty.

A--I suppose it would if Mr.Neff had been a gentleman, but I find he haint, and this agreement only leaves it to him to be the whole sole judge of what good treatment is.

Q.79. When did you find out that Mr.Neff was not a gentleman before or after the 2nd day of Feb., 1903.

A--I found it out, or at least I beleived it, when he commenced ^{mis-} treating me as he did. They aint any gentleman but what has some respect for his wife, and he has none for me whatever.

Q.80. Then if you had found out before the 2nd day of Feb., that Mr. Neff was not a gentleman and would mistreat his wife and have no respect for her, why were you willing to make a compromise with him and go back and live with him upon terms of his giving you a lien upon his property?

A--I thought he would change his way of doing and try to do better hereafter, and I did'nt know that he would talk about me as I heard that he did after I made the proposition

Q.81. Then, if I understand you correctly, you would have gone back and lived with him if he had ~~have~~ agreed to give you a lien on his property notwithstanding his treatment of you while you were living ~~tanx~~ together?

A--No, sir, the lien on the property would not have been taking me back; I wanted him to make me a promise of his sincerity and good faith.

Q.82. He did make that promise, did'nt he, in writing?

A-- The letters with his deposition will show.

Q.83. Would you live with Mr.Neff under any conditions or promises he could make to you?

A--Not after he went to taking depositions, and brought people up here to swear false and try to slander my character all he could.

Q.84. Then if I understand you correctly from your last answer, you would not now live with Mr.Neff as his wife under any conditions or promises he could make to you, is this correct?

A--Yes, sir; for I think all the promises he would make would only be to seek some advantage against me in this suit.

Q.85. Your present desire then is a divorce and a slice out of his property ~~by way of~~ by way of alimony, is it not?

A-- I want a divorce if the court sees ~~properly~~ to give it to me, and I want to gain my character, and if the court sees proper to give me any thing he can do so, and I think I have been badly slandered by Mr.Neff's bringing this suit.

Q.86. In what particular has the bringing of this suit slandered you?

A-- I should think in a good many different ways.

Q.87. If it has slandered you in your opinion in a good many different ways, please name one way by which the bringing of this suit has slandered you?

A--I would think the first would be charging me with desertion, and then in talking about me, and in bringing witnesses up here to swear things I never said and done, and I would call his own deposition a mighty big slander of a nam against his wife, and another would be his bringing me here before all of those counsels and the court, and a whole lot of other things if I could think to tell you now.

Q.88. Have you helped W.E.Neff earn or make any of the little property which he now owns?

Objected to because immaterial and irrelevant.

R.L.Pennington, atty.

A--I done all I could in the way of helping him what time we were together.

Q.89. Under the circumstances of the short time you were together, and the little services you rendered, would you accept alimony from him if the court would decree it to you?

Objected to because it is not a question of how long the plaintiff lived with his wife, which entitles her to alimony under the law, but a question of right in the eyes of the law. The defendant gave herself to the plaintiff and to him alone, she went into his home and cohabited with him, she shut out the rest of the world to her life, her matrimonial prospects in other direction was thereafter forever blighted, and when the plaintiff took upon himself the marital relations with the defendat he thereby pledged himself for her support and maintenance so long as she should live and remain faithful to

to him.

R.L.Pennington, Atty.

A--Yes, sir.

Q.90. In your answer to the plaintiff's bill, you say among other things: "The said plaintiff began his neglect of attention and kindness toward her, and that in the City of Knoxville, he there neglected her, and left her to the care of a stranger who happened to be kind enough to take her to a hotel and show her a place to stay". Is this allegation in your answer true?

A-- Yes, sir, he walked right off and left me when he got off the train.

Q.91. Now did not Mr.Neff go to the hotel with you and were not you and he accompanied to the hotel and to the door of it by R.M.Johnson, a Knoxville drummer?

A--I never saw narry drummer of that name that I have any recollection of. Mr.Neff did go with me to the hotel, after a drummer by the name of Mr.Carr, I think was his name, said less go to the hotel and get dinner, as Willey told him he would buy some good and he told him he would go with him that evening to some of the houses. I don't remember what houses or firms he was going to buy his goods from.

Q.92. Did not Mr.Neff take you to each of the houses to which he went to buy goods?

A.Yes, sir. It was in the morning when we got off the train, that he went off and left me.

Q.93. Did he not introduce you as his wife to the merchants and drummers where he bought good, and in all things treat you kindly and respectfully?

A--He did to some, and some he did'nt.

Q.94.You say as you came back from Knoxville and staid at William's hotel in Cumberland Gap that Mr.Neff went off, locking you in the room and carrying the key with him. Now did he not just go to the telephone office and did you not request him to lock the door?

A..I don't know where he went to; he went off once and told me he was going to the telephone office, but he came back and went off again and it was the last time he locked the door. I have no recollection of telling him to lock the door.

Q.95. Do you know Mack Stapleton?

A--No, sir, I don't know that I ever saw him.

Q.96. Do you know any Stapleton?

A--I know a Clem Stapleton.

Q.97. After you had gone back to your father's, on one occasion, were not you and Clem Stapleton hoeing potatoes there about your father's when Mr. Neff passed and spoke to you, and after he passed did you not say to Stapleton about Will Neff, "there goes that fool, I always thought he was fool and now I know it", or words to that effect?

A--I never had any such talk to him nor no one else.

Q.98. Did you not at that time and at other times say to Mr. Stapleton and in his presence, "I never expect to live with Will Neff any more," or words of like import?

A--No, sir, for I never had any conversation with Stapleton about him. I had more respect for Willey than to run about over the country and talk to every loafer I could see.

Q.99. In the conversation you had with Molley Scott here at Jonesville, during the Association, as detailed by you in the foregoing part of your deposition, did you not say to Miss Scott, I care nothing about Will Neff, but I am going to fleece him before I get done with him, or other words to that effect?

A--No, sir, I used no such language.

Q.100. During the time that Janey Minter staid at you house, did you not sleep in another room and refuse to sleep with Mr. Neff?

A--No, sir, I didn't; I slept with her the first night, and the second night with him in his room.

And further this deponent saith not.

.....*Mary E. Neff*.....

State of Virginia, County of Lee, to-wit:

I, A.M. Goins, Commissioner in Chancey for the Circuit court for the county and state aforesaid, do hereby certify that the foregoing deposition of Mary E. Neff was duly taken under oath after notice, and subscribed before me, and at the time and place as above mentioned.

Given under my hand, this December 4th, 1903.

..... *A. M. Goins*

Commissioner.

Fee for taking this deposition, \$ *9.75*

Fee paid by *Mary E. Neff, through*

J. J. Munney, this Dec. 21st, 1903.

A. M. Goins,
Comm.

Nov
Mary E. Neff
ado. { Dep. of Mary E. Neff.

W^m E. Neff.

Court's Fee for this Depo.

\$9.75 - Paid by
J. J. Munsey

The depositions of W.N.Muncy, taken before me, L. T. Hyatt, a commissioner in chancery for the circuit court of Lee County, Virginia, at my office in the town of Jonesville, Virginia, on the 3rd day of February, 1904, to be read as evidence in behalf of the defendant in a certain suit in chancery pending in Lee Circuit Court, wherein W. E. Neff is plaintiff and Mary E. Neff is defendant, said deposition being taken without notice in writing, by agreement of the parties by their attorneys:

Present:--R.L.Pennington, attorney for deft.

G.T.Duncan, atty for plff. and plff. in person.

The witness, W. N. Muncy, being first duly sworn, deposes as follows:

Ques.1.--State you occupation and residence?

Ans.--I am 37 years of age, reside at Van, Lee County, Virginia, and am a farmer.

Ques.--What relation are you to the defendant, Mary E. Neff?

Ans.--We are brother and sister.

Ques.--Are you acquainted with McClellan Stapleton?

Ans.--Yes sir.

Ques.--Did you hear his testimony given in this case on yesterday?

Ans.--Yes sir.

Ques.--Do you remember the occasion which he spoke of of Wm.E. Neff coming by the house at your father's riding at a rather rapid gate, and what was said and done on that occasion: if so, state what it was if you were there and remember it?

Ans.--Yes sir, I was there. I had him hauling some potatoes there in the garden at my father's. The potatoes were down next to the road, and he was about done when Mr. Neff passed by. He got done and came on up to where my mother, my sister, and myself were standing in a few minutes after Neff passed, and I said to him: "You liked to have got run over didn't you?" and he replied that he always thought that Bill Neff was a fool, and now he knew it.

Ques.--On that occasion, did your sister say anything to Staple-

ton or anyone else about Bill Neff being a fool?

Ans.--No sir, she did not.

Cross-examination.

Ques.--Was Will Neff riding in the road or in the garden?

Ans.--In the road.

Ques.--Was there a fence between the garden and the road?

Ans.--Yes sir.

Ques.--How come you to think, then, that Mr. Stapleton was in danger of being run over by Mr. Neff?

Ans.--I didn't say I thought he was in danger; I asked him if he was not afraid. Mr. Neff came down the road in a gallop, and never checked up or anything when he passed. Generally when people pass they check up, but he never checked, just went right on like he was afraid somebody would stop him.

Ques.--Was that road a public or a private road?

Ans.--Public road.

Ques.--When did this take place?

Ans.--Why, I can't remember exactly the date of it, don't remember the date. Never thought anything about the date, never paid any attention to that.

Ques.--Gave me your best opinion as to how long ago it has been?

Ans.--It has been about three or four years; I won't say which, I don't remember. It was the next summer, I think, after they separated.

Ques.--Who was helping Stapleton hoe potatoes?

Ans.--There wasn't anybody.

And further witness saith not.

W. J. Muncy

James J. Muncy, another witness, being first duly sworn, deposes as follows:

Ques.1.--Please state whether McClellan Stapleton, the man who testified here yesterday, has worked any for you in the garden since the separation of Mr. and Mrs. Neff?

Ans.--No sir, I have not employed Mr. Stapleton to work for me

in the garden since 1898. I know I never employed him.

Cross-examination.

Ques.--Has Mr. Stapleton worked any for you at any time since 1898?

Ans.--Yes sir, I reckon he has some.

Ques.--Were you at home all the time while he was working for you?

Ans.--No sir, I don't know that I was. I generally hire the hands, and the boys run the farm, and I pay my part. In 1898 I made a little crop to myself, and hired Glen Stapleton to help me ~~do it~~ in it. That is the last crop I have made.

Ques.--Do you have a separate garden from the boys, or is it all together?

Ans.--Why, we have a separate garden, with the exception of that season I let Willie have a potato patch in my garden, and told him he could plant and work them and we would divide them.

Ques.--Does the farm stand in your name, or in that of the boys?

Ans.--The farm there where my garden is stands in my name.

And further witness saith not.

James J. Muncy

Virginia, Lee County, to-wit:

I, L. T. Hyatt, a commissioner in chancery for the circuit court of Lee County, Virginia, do hereby certify that the foregoing deposition of W. N. Muncy and J. J. Muncy were duly taken, subscribed and sworn to before me at the time and place and for the purpose therein stated. Given under my hand this the 3rd day of February, 1904.

L. T. Hyatt
Commissioner in Chy

The said W. N. Muncy, being recalled, testified as follows:

Ques.--Were you present when your sister, Mary, and Will Neff were married?

Ans.--Yes sir.

Ques.--What time in the day was it that Will and Mrs. Victoria Neff came to your father's on that occasion?

Ans.--The best I remember it was betwixt 11 and 12 oclock. It was between 9 and 10 o'clock when Mr. Blankenship came, and it was a good while afterwards when they came.

Ques.--Was there anything said there on that occasion in the presence of Mr. Blankenship about Mr. Neff being late?

Ans.--Yes, there was talk there amongst us all about him being late. They aimed to marry and eat dinner, and then go to the railroad.

Cross-examination.

Ques.--How long had Mr. Blankenship been there when Will Neff came?

Ans.--Why, he had been there a right smart little bit.

Ques.--About how long do you think?

Ans.--I think from an hour and a half to two hours. I did not pay attention to the clock to see, but that would be my estimate.

Ques.--About what time were they married?

Ans.--Betwixt 11 and 12 o'clock. It was after 12 when they got done eating dinner, and they just married and set down to the table and eat their dinner.

Ques.--How long after Will come until they were married?

Ans.--It wasn't but a little bit.

Ques.--Did you go with them to the depot that evening?

Ans.--No sir.

Ques.--How far is it from your house to Thos.S.Ely's?

Ans.--It is betwixt five and six miles, I reckon. I don't know exactly.

And further witness saith not.

W K Muncy

John Muncy, another witness, being first duly sworn, deposes as follows:

Ques.--Were you present on the day when Mary Muncy and W.E.Neff were married?

Ans.--Yes sir.

Ques.--What relation are you to Mary?

Ans.--Brother.

Ques.--Did you take them to the railroad on the day they were married, and if so how, and what time did you leave home?

Ans.--Yes sir, I took them to the railroad in a hack. We left somewhere between 12 and 1 o'clock, I don't remember the exact time to the minute.

Ques.--About what time was it when you passed Thos.S.Ely's?

Ans.--We passed the road by his plantation. I should guess it was somewhere between 2 and 3 o'clock. He lives off the road, something like a quarter of a mile.

~~And further examination.~~
Cross-examination.

Ques.--Did you drive pretty fast from your house to the railroad?

Ans.--Part of the time we drove in a trot and part of the time in a walk.

Ques.--What time did you get to the railroad?

Ans.--It was somewhere from four to five o'clock, I reckon. I never went in nobody's house to see the time of day.

Ques.--What time were you sister and Mr. Neff married?

Ans.--Betwixt 11 and 12 by our time there at home.

Ques.--At what time betwixt 11 and 12?

Ans.--I expect it was some 30 or 40 minutes after 11.

Ques.--What makes you expect it was 30 or 40 minutes after 11?

Ans.--He was a little late coming by our time, and we could not imagine what was keeping him out. It was 11 o'clock or a little after when he came. I took their horses and put them up, and I don't know that I noticed the clock afterwards,

Ques.--Did you notice the clock when he came?

Ans.--Yes sir, I think I did.

Ques.--If you noticed the clock, state exactly what time it was by the clock, when he arrived?

Ans.--It was 11 and a few minutes after, but I don't remember the minutes.

Ques.--If you noticed the clock, and remember exactly the hour,

what is the reason you don't recollect the exact minute?

Ans.--The time was set from them to be there at ten, and they were a little late, and when they came it was 11, and I don't remember anything about the minutes.

Ques.--On the way to the depot, as you were taking Mr. and Mrs. Neff there, did you meet or see Thos. S. Ely?

Ans.:I have no recollection of seeing or meeting him.

And further witness saith not.

John X Muncy
mark

Virginia, Lee County, to-wit:

I, L.T.Hyatt, a commissioner in chancery for the circuit court of Lee County, Virginia, do hereby certify that the foregoing depositions of W.N.Muncy and John Muncy were duly taken subscribed and sworn to before me at the time and place and for the purposes therein mentioned.

Given under my hand this the 4th day of February, 1904.

L.T. Hyatt
Commissioner in Chancery.

Cours fee for foregoing 3hrs @ 75c \$2.25-

W. E. Neff
r { L. E. Chu.
Mary E. Neff

defts depos.

Filed February 5th
1904. H. C. T. Ewing
clerk.

L. T. HYATT,
ATTORNEY AT LAW,
JONESVILLE, VIRGINIA.

Cours. \$2.25-

The depositions of Martha Bush and others taken before me, L. T. Hyatt, a commissioner in chancery for the circuit court of Lee County, Virginia, at my office in the town of Jonesville, Va., on the 2nd day of February, 1904, to be read as evidence on behalf of the plaintiff in a certain suit in chancery pending in said court wherein W. E. Neff is plaintiff and Mary E. Neff is defendant, the depositions being taken without notice by agreement of the parties by their attorneys:

Present: W.E.Neff, plaintiff in person and by C.T.Duncan, Atty.

Mary E. Neff, ^{deft.} in person and by R.L.Pennington, her atty.

The witness, Martha Bush, being first duly sworn, deposes as follows:

Ques.1.by C.T.Duncan.--Are you the mother of Harrison Orrick?

Ans.--Yes sir.

Q.2.for same.--~~How old is Harrison?~~ How old is Harrison?

Ans.--He will be 15 years old the 16th day of next June.

Ques.3.for same.--Did your son, Harrison, live with Mr. and Mrs. Wm.E.Neff shortly after they were married to each other? and if you say he did, state as nearly as you can how long he so lived?

Ans.--He left home to live with them, and I understand he was there living with them, but I do not remember just when he went there or just when he left.

Obj.--All the foregoing deposition is objected to because immaterial and irrelevant.

R. L. Pennington, Atty for deft.

And further this witness saith not.

Martha Bush

Wit.claims one day 50¢. Paid by Neff

Richard Bell, another witness, being first duly sworn, deposes as follows:

Ques.1.--State your age, residence and occupation?

Ans.--I am 26 years of age, live near Ann, Lee County, Virginia,

~~and am~~

and am a laborer.

Ques.2.--Do you know Wm.E.Neff and his wife, Mary E. Neff?

Ans.--Yes sir.

Ques.3.--Please state whether or not, during the time they were living together at Ann, you visited Mr. Neff's store at that place at any time?

Ans.--I did.

Ques.4.--Please state whether or not, on one occasion, when you visited said store, if you and Mr. Neff cut open a watermelon, each taking a half thereof, and while you were eating it, ^{if} ~~that~~ Mrs.Neff came into the store: and if you state she, did, please state what occurred?

Ans.--I went in the store one day over there and Bill was sitting there in the store, and there was watermelon in the store and he said the price of it was 20¢, and to let's eat it, and I told him "all right." I bought and paid him for half of it. He cut it open and about the time he got it cut open his wife came in. Bill then cut his half open and reached it to her and she wouldn't take it. She knocked it out of his hands and kicked it once or twice. I was standing there by the door when she went out at the door, and she says: (I don't know whether she was talking to me or not)"The durned old son-of-a-bitch ain't got no sense, nohow! That is all that occurred.

Obj.--All the foregoing deposition of this witness is objected to because the same is wholly immaterial and inadmissible as evidence in this case for any purpose and to any issue that is involved.

Cross-Examination.

R. L. Pennington, for deft.

Ques.1.--Where do you live at the present?

Ans.--I live down close Ann, about a mile or hardly so far from Ann.

Ques.--Where were you living at the time you say this conversation took place?

Ans.--About the same place I do now, right close.

Ques.--What month in the year was it that you ate the watermelon?

Ans.--I suppose it was in July.

Ques.--I don't want your supposition, but what you know about it?

Ans.--I don't know just what month it was in, but think it must have been either in July or August.

Ques.--What makes you think it was in July or August?

Ans.--Because I know it was in August.

Ques.--Y ou said a momemnt ago that you did not know when it was, but that you thought it was in July or August. Now you say you know it was in August. Tell why it is that you changed your statement so quick?

Ans.--I wasn't studying anything about what month it was in.

Ques.--Then you answered at my question without thinking what you had been asked at first, Had you?

Ans.--I had not had time to study about it. A man has to have time to study about a thing before he really knows it.

Ques.--Then if you did not really know it when I asked you first how can you say now that you know it was in August?

Ans.--Because I remember now that it was in August.

Ques.--What makes you remember now that it was in August?

Ans.--I began to study and happened to think it was in August.

Ques.--I will ask you to state what circumstance in your mind, or otherwise, or other place, ^{that} brings it to your mind now that it was in August?

Ans.--I know I was gone off right the last of July and was not there until the first of August when I came back, and it was soon after I came back in August that I went to the store that day.

Ques.--Was it in the last part of July of that year that you ate the watermelon there, that you were in jail here in Jonesville?

Ans.-- The foregoing question is objected to because it assumes that the witness has been in jail here when there is no evidence of that fact.

C. T. Duncan, atty for plff.

Ans.--No sir.

Ques.--Were you not in jail either in the month of July or August of that year?

Ans.--Yes sir, I suppose I was in jail in July of that year.

Obj.--Objected to because irrelevant and immaterial.

G. T. Duncan, Atty for plff.

Ques.--Do you remember the day of that month that you got out of jail?

Ans.--No sir, I don't remember the day, what day it was, or anything about that.

Ques.--You say you were gone off somewhere the last of July. Where were you gone to?

Ans.--I was gone over in Tennessee.

Ques.--How long did you stay in Tennessee?

Ans.--I don't remember just how long I did stay.

Ques.--Can you give any idea how long you were over there?

Ans.--I don't know as I can. I guess I stayed something like ten or fifteen days.

Ques.--Where did you go to after you left Tennessee?

Ans.--Came back home.

Ques.--Now, how long after you came back home was it until you went up to Bill Neff's store and ate the watermelon?

Ans.--It wasn't very long. I don't know exactly how long it was, how many days.

Ques.--Was it more or less than a week?

Ans.--I don't know that.

Ques.--Was it more or less than two weeks?

Ans.--I have told you all I know about it. That is a plenty aint it.

Ques.--Was it more or less than a month?

Ans.--I have an idea it was less than a month.

Ques.--What time in August was it that you were in the store and ate the watermelon?

Ans.--I told you I did not know.

Ques.--Was it in the first or latter part of the month of August?

Ans.--I told you once I did not remember what time in August it was, the first or the last.

Ques.--Were you there at all in August?

Ans.--Yes sir I was th

Ans.--Yes sir, I was there, at all in August; certainly I was.

Ques.--What fact, or facts, circumstance, or circumstances, is it that makes you say positively that it was in the month of August when you can not tell whether it was the first of August or last of August, and can not say how long after you returned from Tennessee it was when you went up to the store and ate the watermelon?

Obj.--This question is objected to because the witness has already answered it more than once when it was propounded in almost identically the same language. The witness has told that he knows it was in August because he was away the latter part of July, and that it occurred shortly after he came back.

Ans.--Because I know the months in the year I reckon. I have an idea I do.

Ques.--What had you gone to the store for that day?

Ans.--I do not know whether I went for any purpose or not. I was always there at the store. I might not have got anything that day but the watermelon. I know I got it, or half of it.

Ques.--Did you pay for the melon or have it charged?

Ans.--I paid for it.

Ques.--How long had you been there when Mrs. Neff came into the store?

Ans.--Not but a few minutes.

Ques.--What did she say, when she first came in?

Ans.--She didn't say anything, only spoke to me when she came in.

Ques.--How long was it after she came in, till Mr. Neff offered her the melon?

Ans.--Just as quick as she came in?

Ques.--Without saying a word she knocked it out of his hand did she?

Ans.--I don't remember just what was said when he offered her the watermelon, or what she said, but anyway she would not take it.

Ques.--Well, did she knock it out of his hand?

Ans.--Certainly.

Ques.--Where did you live when they separated?

Ans.--I lived right where I live now, or pretty close.

Ques.--Did you live close to them?

Ans.--Yes sir.

Ques.--Did you hear of the separation?

Ans.--Certainly.

Ques.--How long after they separated?

Ans.--I heard of it the same day.

Ques.--How long was it they separated after you ate the water-melon?

Ans.--I don't remember how long it was.

Ques.--~~Ques.~~--Was it a month or more?

Abs.--I have no idea as to that.

Ques.--Was it a week, or the next day?

Ans.--I don't know, but I suppose it was longer than the next day.

Ques.--Do you think it was a week?

Ans.--I don't know.

Ques.--Was it two weeks?

Abs.--This question is objected to because the witness has just now told the examiner in answer to a question propounded to the witness but which was not written down that he had no idea as to the time which elapsed between the eating of the watermelon and the separation.

C. T. Duncan, for plff.

Ans.--I don't remember nothing about how long it was.

Ques.--What month was it that you heard of the separation?

Ans.--I don't know that either?

Ques.--Was it in August or September?

Abs.--I told you I didn't know.

Ques.--You said above that you knew the months of the year: and you said you heard of the separation on the same day that it occurred: and you said that you ate the watermelon in the month of August. Now why it is that can't remember the month of the separation?

Ans.--Just because I don't remember nothing about it.

Ques.--Well, do you remember how long you stayed in jail from the time you were committed until you were released? May be, we can find them papers and ascertain these facts?

Ans.--I stayed in jail from two to three hours. I was released the same day I was put in.

Re-examination.

Ques.--What were you sent to jail for on that occasion, Mr. Bell?

Ans.--For fighting a little.

And further witness saith not.

Richard ^{his} Bell
Mark

Wit. claims one day 6 miles over ten. 74¢.

Paid by Jeff.

McClellan Stapleton, another witness, being first duly sworn deposes as follows:

Ques. 1.--State your age, residence and occupation?

Ans.--I will be 36 in August, I reckon; live in Lee County, near McClure's church; am a laborer, mostly on the farm.

Ques. 2.--Do you know Mary E. Neff, and how long have you known her?

Ans.--I know her, have known her about twelve or thirteen years.

Ques. 3.--On one occasion after Mr. and Mrs. Neff separated and she had come back to her father's, please state if you were there at any time, hoeing potatoes or doing any work in the garden with Mrs. Neff when Wm. E. Neff passed by?

Ans.--Well, we were there in the garden doing something, I don't know whether it was hoeing potatoes, beans or what, one time, when he passed by.

Ques.--Please state what occurred and what she said about Mr. Neff, if anything?

Ans.--He came down the road there, came trotting along pretty fast down the hill, and I asked her who it was, not knowing who it was myself at the time. She said it was that fool Will Neff. I be-

lieve that was all she said at that time.

Ques.--Please state, if on that occasion, or any other, Mrs.Neff ever said to you, or in your presence, that she never expected to live with ~~xxxxxx~~Will Neff any more, or any words of like effect?

Ques.--She never said anything of the kind to me, but I heard her say to Mrs. Anderson that she never expected to live with him any more. I don't know whether she was ever married or not, she is called Miss Anderson.

Cross-Examination.

Ques.--Where was it that you heard Mrs.Neff talking to this Anderson woman as stated above?

Ans.--At Mr. Munsey's house. I was there at work.

Ques.--When was it?

Ans.--I could not exactly tell you, it has been three or four years ago, but I could not tell what month or just what time it was.

Ques.--At what particular place at Mr. Munsey's house was it that this talk occurred?

Ans.--It was at the spring-house, I think. I was at the wood-yard cutting wood when I heard them talking.

Ques.--This Anderson woman is familiarly known, is she not, as Sib Anderson?

Ans.--Yes, some call her Sib Anderson, and some call her Miss Anderson.

Ques.--Now, are not these the facts about what happened when Bill Neff came along when you were working in the garden? Will came riding down the road at rather a smart gait, and did not young Mr. Munsey, (Will), ask you when Bill had passed by, if he did not nearly run over you? And did you not reply to Will Muncy that you always thought Bill Neff was a Fool, and now you knew it?

Ans.--No sir, Will Muncy was not there, or if he was I did not know it. It was at another time that he asked me that.

Ques.--Then you saw Bill Neff come along two days riding at a pretty peart gait?

Ans.--Yes

Ans.---Yes sir, several times.

Ques.---On one of the occasions then, you did say to Will Muncy that you always thought that Will Neff was a fool, and that at that time you knew it?

Obj.---Objected to because immaterial and irrelevant.

Ans.---It was before they were married that Will Muncy asked me that question. We were hauling hay. I recollect it mighty well, as well as if it was yesterday. I recollect what I said to Will too.

Ques.---At the time you were working in the garden then, Will Muncy was not present was he?

Ans.---No sir, he was not.

Ques.---Now, in the garden there that day, Glen, wasn't it you that said "I always thought Will Neff was a fool, and now I know it"?

Ans.---I believe I said something to that amount after what she said what she did about him.

Ques.---Who hired you to work in the garden?

Ans.---Mr. Muncy.

Ques.---How many years has it been since Mr. Muncy hired you to work in the garden?

Ans.---I don't know exactly how long it has been; it has been some three to four years.

And further witness saith not.

McClellan ^{*his*} *Stapleton*
mark

Wit. claims one day 4 miles 66¢. paid by W.E. Neff.

C.C. Blankenship, Sr., another witness, being first duly sworn deposes as follows:

Ques.---~~Stapleton~~ You were the minister, were you not, who married Wm. E. and Mary E. Neff?

Ans.---I was.

Ques.---What time in the day did you get to Mr. Muncy's where the marriage took place?

Ans.---Sir, I could not be positive about the time of day, but I can give you what I think about it. I think it was somewhere between none and ten o'clock in the morning. I know I meant to get there early

in the day.

Ques.--Which got there first, you or Mr. Neff?

Ans.--I got there first.

Ques.--State as nearly as you can remember how long after you got there until Mr. Neff got there?

Ans.--The best of my recollection is that it was not very long after I got there until he came. When he came a lady was with him, whom I did not know, but learned afterwards that it was Mrs. Stewart Neff.

Ques.--State whether or not any complaint was made by the bride or any of her people that Mr. Neff was tardy in his arrival?

Ans.--Well, I don't know. If there was it was to themselves. Nothing was said to me about it that I have any recollection of.

Ques.--How long after Mr. Neff got there until the marriage took place?

Ans.--Well, I don't know anything about the length of time. But it was not very long after he got there till they were married.

Cross-Examination.

Ques.--By way of refreshing your memory, I will ask you state if you and Mr. Muncy and Mr. Muncy's wife, on the day of the marriage, about 12 o'clock, were not sitting by the fire at Mr. Muncy's home, and did not Mrs. Muncy ask you why you supposed it was that Will was so late coming, and did you not reply that you did not know, that Mr. Neff had written you to be there punctually at 10 o'clock.

Ans.--I have no recollection in the world of any such conversation, and I have no recollection of his telling or writing me to come at any particular time.

And further witness saith not.

R. L. Blankenship. Se

Wit. claims one day 50¢. Paid by W. E. Neff

W. E. Neff, another witness, being duly sworn, deposes as follows:

Ques.--

By agreement of parties by their attorneys the further taking of this deposition is adjourned until to-morrow morning at 9 o'clock, *same place.*

L. T. Hyatt

Commissioner in chancery.

Met pursuant to adjournment at my office on the 3rd day of February, 1904.

Present: Same ~~same~~ counsel as on yesterday.

Ques.1.--Are you the same Wm.E.Neff who is plaintiff in this case and who have heretofore given a deposition therein?

Ans.--I am.

Ques.2.--Mrs. Mary E. Neff, in her deposition, says that the time fixed by you and her for your marriage was 10 o'clock, and she guesses it was 12 or later when you come, and when you arrived you were bvery sad and had but little to say. Please state your recollection in regard to this matter?

Ans.--I had nothing to do with setting the time at all. She set the time, as I remember, at 10 o'clock. My recollection is that I was there at that time by my time-pieces. I do not consider that I was sad on that occasion, I did not aim to be.

Ques.--She also says that afterwards you told her that you were in hopes she would grumble because you came late and that if she had you aimed to get on your horse and ride off. Did any such conversation as this ever occur between you and her; if so, state all about it?

Ans.--Well I know there was never any such conversation unless it was in a jovial way, and I don't remember any such even in thatway.

Ques.--She also says that you told her that you would have gone back on her anyway after her pa told you and her that he could not furnish you any money at that time, but that he would help you later on, if you had not been afraid she would have lawed you. Did you ever say anything of this kind to her?

Ans.--No sir.

Ques.--Mrs.Neff also says in her deposition that at Cumberland Gap after returning from Knoxville, that you went off, locking her in the room and t. r.

in the room and taking the key with you. State anything you may remember about this?

Ans.--I told her I was going to step out to the 'phone or store, and she told me to take the key and lock the door; but I don't believe I took the key with me at all. I believe I left it in the out-side of the door, but I won't be positive as to that.

Ques.--Then, as I understand you, you locked the door at her request. Is that correct?

Ans.--Yes sir.

Ques.--State, when you went out on that occasion, you went on business or for the purpose of getting rid of her company?

Ans.--I never went to get rid of her society at all, no ti me. I went on business.

Ques.--Did you ever say to your wife at any time: "I married you to make money for me, and you havn't done it", and that she had never been anything but an expense to you, or any words to that effect?

Ans.--No sir. And no words to that effect that I remember of either.

Ques.--On one occasion, while you and Mrs. Neff were living together I will ask you to state if you and Dick Bell had cut open a water-melon at your place, and while you were eating it your wife came in, and if you say she did, please state what occurred?

Ans.--I offered her something like half of the watermelon, my half, and ^{as} I reached it to her she knocked it out of my hand, and when it hit the floor, she kicked it twice or more out the door and as she went out the door said something calling me a durned son-of-abitch, or fool, or something like that, as I understood her. This is the way I remember it.

Ques.--Mrs. Neff also says in her deposition that you told her on some occasion while you were living together that you had women to meet you in the store of a night. Please state if you so told her, and why you did so?

Ans.--One night I was begging her to sleep with me at the store and she would not do it, and said to me that some people says that you keep women out there at the store. I replied to her, "Yes, honey I keep two or three, one pretty one and one ugly one: you ought to

come and fan them out. You won't let me have any, and I have to get it the best way I can."

Ques.--Did you have women to meet you at the store?

Ans.--No sir, never in my life: and I never heard her complain that she believed it until here the other day.

Ques.--During the time you and her lived together, state as well as you can remember whether or not you stayed away from home any night; and if you state you did, state as near as you can how many nights, and also state whether you ever stayed away any night without having some person to stay with her?

Ans.--I don't remember ever staying away from home when she was at home, and I know she was never left at home by herself, because we were never by ourselves when we lived together. There was always someone there.

Ques.--Mrs.Neff also states in her deposition that on one occasion while you and she were living together that she spit in your face, and that the reason why she done so, was because you were slapping her jaws. State whether or not you ever at any time slapped her jaws, and also state on how many different occasions she spit in your face?

Ans.--I never did slap her jaws in my life, never thought about such a thing. She spit in my face on one occasion at the house, and on one occasion at the store. Those two times I know sure, and I rather believe she did at ~~many~~ other times, but am not sure.

Mrs.Neff was asked this question: "Did you at any time while you were married willingly allow him (your husband) to have connection with you as a husband", to which she answers: "If he didn't it was his own fault". and when the question was repeated to her a second time she answered: "Yes sir." Now, I will ask you to state whether or not at any time during the time you and she lived together, if she willingly allowed you to have connection with her as a husband?

Ans.--No sir, she never did.

Ques.--She was asked this further question: "Didn't you always on such occasions, fight him, scratch him, bite him, and frequently

~~leaving your marks on him.~~

leaving your marks upon him?" to which she answered "No sir, I didn't." Please state how this was?

Obj.--This question is objected to because leading.

R.L.Pennington, for defts.

Ans.--She did, but a while after the marriage, she would beg me to let her alone. But after awhile, I suppose I got more oppressive, and then she began to bite and fight and kick me, and left marks upon me until I was asked by other parties what caused those marks.

Obj.--This answer of the witness is objected to because the statements of what other persons were to him is no evidence in the case.

R. L. Pennington, for deft.

Ques.--She is asked this further question: "On one occasion, while you were living at Ann, did he not try to have connection with you, and you caught his ear between your teeth, and bit it almost through, leaving a mark that lasted several days?" to which she answered: "No sir, I didn't." Please state whether or not she did so bite you, telling all about it?

Obj.--The foregoing question is objected to because leading and suggestive and because immaterial and irrelevant.

R. L. Pennington, for deft.

Ans.--Yes sir, she bit me, and very hard too. Bit me and fit me till she got me off of her.

Ques.--How long did the mark stay from her teeth?

Ans.--The best estimate I could make is from three to five days that it was sore; the mark may have been on there for a month. I thought she was going to bite it off, made a believer of me.

Ques.--Do you know one John H. Saddler?

Ans.--Yes sir, I know the man they call him.

Ques.--Mr. Saddler, in his deposition says, that on the day you and Mary went home when she stayed, that he and Hiram Yeary were at the Bill Young spring to meet a jug of liquor, and that while they were there you and your wife came along, and that he heard a conversation between you in which you said to your wife that you would take

her home where you got her and leave her there, or something to that effect. Did you use any such language to her at the said spring, near the spring, or at any time that day?

Ans.--No sir, nor no other time.

Ques.--Did you take her home that day with the intention of ~~le~~ a leaving her, or did you have any expectation or thought that she would fail to return home with you on that day until after you got ready to start home?

Ans.--No sir. I only went with her with her promise that she would return with me.

Ques.--Mrs. Neff claims in her answer and states in her deposition that you neglected her, and treated her coolly on the way to Knoxville, in Knoxville, and that you left her among strangers, one of whom took her to the Hotel. Please state how this was?

Ans.--I took all the pains in the world to take care of her, and introduced her to my friends there, and I took her to the hotel myself, registered her and paid for the dinner. It is likely that there may have been street drummers along, but I don't remember their names just now.

Cross-examination.

Ques.--When was it that the watermelon scrape you tell about occurred?

Ans.--In the watermelon season, but just the date I don't know.

Ques.--How long was that before you and her separated?

Ans.--Well sir, I don't know that either.

Ques.--Did you raise the melon, or did you buy it?

Ans.--I bought it in the store.

Ques.--Who did you buy it from?

Ans.--I don't remember.

Ques.--Was that the only melon you had in the store that day?

Ans.--I don't know that. May have had several, and it may have been the only one.

Ques.--How long had watermelons been in season?

Ans.--I don't know that.

Ques.--Was this a home grown melon?

Ans.--I think it was, because I don't think then that I ordered any, but yet I may have done so, I would not be sure!

Ques.--Was this the first melon you had had in the store, or had you had melons there before?

Ans.--I don't know whether it was or not.

Ques.--When does the watermelon season come in in this part of the country?

Ans.--It is owing to when you plant them, but generally from along about the latter part of July to September.

Ques.--In your deposition you say that it was not a fact that you had ~~ing~~ women to meet you at the store at night, although you say that you told your wife that such was the case. Then you told her a falsehood, did you?

Ans.--I was joking her, joked her back because she accused me. She knew it was not a fact as well as I did.

Ques.--Did you tell her a falsehood?

Ans.--You can count it what you please, I call it joking.

Ques.--You told her then, that you were keeping women; you tell us now that you were not. Which story are we to believe as the truth, the one you told her then, or the one you are telling us now?

Ans.--The one that is the truth, that I never kept any. The one I am telling now. The other was a joke. She accused me, and I agreed to the ~~accusation~~ accusation as a joke, and she knew it. She knew I was not keeping women at the store. Otherwise she would have followed me.

Ques.--How do you know she would have followed you?

Ans.--Well, I should think if she loved me, or cared anything ~~from~~ for me, she would not have wanted me to keep women there, and I should not think she would have wanted to keep such a house. It is not customary.

Ques.--Have you been keeping women at your store, or other places and having carnal connection with them since you and your wife have separated?

Obj.--The foregoing question and any answer thereto is objected to because irrelevant and immaterial, as well as impertinent and not addressed to any issue in this case.

C. T. Duncan, for plff.

Ans.--No sir, never been accused of it that I know of. The first I ever heard of anything of the kind was when Bob asked me to-day-

Ques.--Have you had carnal connection with any female since you have been separated?

Ans.--Objected to for the same reasons stated in last objection above.

C. T. Duncan, for plff.

Ans.--No sir.

Ques.--Do you remember having a conversation with Mr. Bowen, the baptist preacher, under the old creamery shed, sometime after Sterl Barnes had given his deposition in this case, about said Barnes' statement?

Ans.--I remember stopping there out of a rain, and that Brother Bowen was there, but I don't remember anything being said about Sterl Barnes' statement. In fact I don't remember whether that was before or after Barnes' deposition was taken.

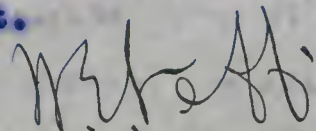
Ques.--Was the day you stopped there not the same day that Mr. Bowen came up here and gave his deposition in this case?

Ans.--I don't remember; It's likely; it may have been, and may not have been.

Ques.--On that occasion, under that shed of the old creamery, did you not tell Mr. Bowen that you did not know why Sterl Barnes had told such a tale as to what your wife had said and the language she had used because you had never heard her use any such language and you considered her too much of a lady to use such language, or words to that effect.

Ans.--No sir, I never said no such a thing as that. I don't remember talking to him about it all, but it's likely I did, but I know I never said anything such thing as that.

And further witness saith not.



Mrs. Victoria Neff, another witness, being first duly sworn, deposes as follows:

Ques.--Did you accompany Wm.E.Neff to the house of James J. Muncy on the occasion of the marriage of the said Neff?

Ans.--Yes sir.

Ques.--State as nearly as you can what time in the day you got there, and what time the marriage occurred after you got there?

Ans.--I would guess it was about 10 o'clock when we got there, and the marriage occurred a considerable time afterwards, but I don't remember just how long.

Ques.--Did you eat dinner there after the marriage, and how long do you think you stayed after the marriage until you started home?

Ans.--Yes I ate dinner there. I don't think it was an hour after the marriage until I started home.

Ques.--You may now state how far it is from Mr. Muncy's to where you were then living, and about what time you got home?

Ans.--I guess it is about four miles from our house to Mr. Muncy's. I had not thought about the distance. When I got home, our people had just gone out from dinner. It might have been after one o'clock.

Ques.--Did you hear any complaint on that occasion that Mr. Neff hadn't got there soon enough?

Ans.--No sir, I didn't hear anything said.

Ques.--Did you ^{see} ~~see~~ ~~and~~ have any talk with Mary before the marriage?

Ans.--No sir, no private talk. I saw her, was in the room with her.

Ques.--What condition did Mr. Neff appear to be in on that occasion? Sad, or jovial.

Ans.--He is always jovial. He was jovial as far as I remember, on that occasion.

Cross-examination.

Ques.--Did you go with Mr. Neff from your house all the way?

Ans.--Yes sir.

Ques.--Did Mr. Neff come for you that morning?

Ans.--He had come to our house the night before. He was ex-

pecting my husband to go with him, but he did not have time.

Ques.--Did you notice what time it was when you left home that morning?

Ans.--Well, no sir, I don't know that I did by the clock, but it was early. We got up and started early.

Ques.--Did you go directly to Mr. Muncy's, or did you stop on the way?

Ans.--We went out by Uncle Jeffy Neff's a few minutes.

Ques.--Did you get down at Mr. Neff's?

Ans.--Yes sir, we got down and went in the house.

Ques.--Was Mr. Jefferson Neff's directly on the road to Mr. Muncy's?

Ans.--No sir, not directly; it wasn't much out of the way.

Ques.--Do you know why Will wanted to go by Mr. Neff's?

Ans.--Well, he said he had promised to go by there. He did not tell me why further than that.

Ques.--Who did he see and talk to at his father's, if you know?

Ans.--Well, I don't know that he had any private conversation with anyone. He was bumming around there, went to the spring, I believe, running all over the place like he always is.

Ques.--You were in the house, and he went out and you could not say whether he talked to anyone out there or not.

Ans.--I don't believe there was anyone out there for him to talk to. I believe the family were all in the house.

Ques.--Did you notice the time of day while you were at Mr. Neff's.

Ans.--Well, I can't say that I noticed the clock myself, but I remember Uncle Jeffy said that if we got there in time, we had better start. We were on travelling stock and got on our horses and rode fast and were not very long in getting there. He was a man of good judgment, and I guess he was about right in what he said.

Ques.--Did you and Mr. Neff ride horse back?

Ans.--Yes sir.

And further witness saith not.

W J Neff

Further taking of these depositions is adjourned until to-morrow morning at 9 o'clock, ^{same place.} Given under my hand this the 3rd day of February, 1904.

L. T. Hyatt
Commissioner in Chancery.

Met pursuant to adjourning on the 4th day of February, 1904.
at my office in Jonesville, Virginia.

Present: Same counsel as on yesterday.

The witness, Thos. S. Ely, being first duly sworn, deposes as follows:

Ques.--State your age, residence and occupation?

Ans.--I am 66 years old, Live near Wesley's chapel, and am a farmer and merchant.

Ques.--Are you acquainted with Wm. E. Neff and his wife, Mary Neff?

Ans.--I am well acquainted with Wm. E. Neff, but am not acquainted with his wife.

Ques.--On the day that Wm. E. Neff and Mary Neff were said to have been married to each other, did you meet or see them at any place; if so, where, and who was in company with them?

Ans.--Yes sir, I did meet them on the main road between my house and the Joseph H. Ewing place. One of Mr. Jim Muncy's sons was driving the hack.

Ques.--How many seats were in the hack and how were these three people riding?

Ans.--There were two seats and the driver was on the front seat, and Mr. Neff and his lady were on the rear seat.

Ques.--About what time of day was it when you met them?

Ans.--I don't know certainly. It was in the early afternoon, near 1 o'clock, I should think, possibly a little after.

Ques.--How far is ^{it} from the place where you met them to James J. Muncy's residence?

Ans.--I guess it is about six miles.

Ques.--What is the character of the road between those two places?

Ans.--Most of it is very rough, about as rough as you will

strike any place.

And further witness saith not.

Thos. S. Ely

but claims 50¢ said

Virginia, Lee County, to-wit:

I, L. T. Hyatt, a commissioner in chancery for the circuit court for the County and State aforesaid, do hereby certify that the foregoing depositions of Martha Bush, Richard Bell, McClellan Stapleton, C. C. Blankensip, Sr., W. E. Neff, V. L. Neff and Thos. S. Ely were duly taken subscribed and sworn to before me at the times and place and for the purposes in the caption and several adjournments thereto mentioned.

Given under my hand this the 4th day of February, 1904.

L. T. Hyatt

Commissioner in Chancery.

*Commissioners fees:
7 hours @ 75¢ = \$5.25-*

W. E. Neff
vs. { In Chy.
Mary E. Neff.

Plffs Depos. of.
Filed February 5th
1904.

A. C. T. Ewing Clerk.

L. T. HYATT,
ATTORNEY AT LAW,
JONESVILLE, VIRGINIA.

Comm. \$5-25-

The depositions of Sib Anderson and Mary Burchett, taken before me, L. J. Wyatt, a commissioner in chancery for the circuit court of Lee County, Virginia, at the residence of Jas. J. Muncy, near Van, Lee County, Virginia, on the 8th day of February, 1904, pursuant to notice hereto annexed, to be read as evidence on behalf of the defendant in a certain suit in chancery pending in the circuit court of Lee County, Virginia, wherein Wm E. Neff is plaintiff and Mary E Neff is defendant.

Present: The defendant in person
Geo. P. Cridlin, Atty for plff.

The witness, Sib Anderson, being first duly sworn, deposes as follows:

Ques. 1. for deft. - State your age, occupation and place of residence?

Ans. - I expect I am something over 50 years old, live with my son-in-law, J. H. Burchett, near Van, Lee County, Virginia

Ques. 2. for same. - Are you acquainted with Mary Neff, W. E. Neff and Clem Stapleton?

Ans. - I am acquainted with all three of them.

Ques. 3. for same. - Clem Stapleton, in his deposition given in this case, at Louesville on the 2nd day of Febru

ary, 1904, stated, in effect, that upon one occasion since the separation of Mary Neff and W. E. Neff, as husband and wife, while working at the wood-yard cutting wood, and you and Mary Neff, while at, or near the spring, that Mary Neff stated to you, that she never intended to live with Will Neff any more. Please state whether or not any such conversation occurred between you and Mary Neff in the presence of said Stapleton at that place, or at any other time and place?

Ans. - No sir, it never did.

Cross-Examination.

Ques. - 1 - Please state if you saw W. E. Neff on the day of his marriage to Mary Neff & pass by your house going in the direction of Mr. J. J. Mureys?

Ans. - Yes sir, I saw him and Mr. Stewart Neff's wife pass.

Ques. - Please state what time of day it was when they passed?

Ans. - I could not tell the time. I did not notice the clock. It was before dinner; we hadn't called the men from the field to dinner. I guess it was getting along towards eleven o'clock.

Ques. - State, if you know, whether or not Clem Stapleton worked for

Mr. James Muncy any of the time about a year after the separation of Mr. & Mrs. Neff, and whether he was about the premises of Mr. Muncy a considerable portion of the time?

Ans. - I don't know whether he worked for Mr. Muncy or the boys. If he was about the premises of Mr. Muncy I never saw him there, never did.

And further witness saith not
Sib^{thor} ~~x~~ Anderson
mark

Mary Burchett, another witness, being first duly sworn, deposes as follows:

Ques. 1. - State your age and residence?

Ans. - I am 40 years of age, live near Van, in Lee County, Va.

Ques. 2. - If you remember the day on which Mary Neff and Will Neff were married, and if you remember Will Neff and Victoria Neff passing your house on that day, state what time it was, as near as you can, that they passed on the way to be married?

Ans. - I remember seeing them pass that day; I had dinner ready when they passed. I had dinner ready at eleven o'clock, and it was a little after eleven when they passed, I think

it was as late as half past eleven when they passed. My hands had not come in to dinner, but I had called them, and they came in in a few ^{minutes} after they passed. I had been told ^{by Mr. Muncy} the wedding was to be ^{between 10 and 11} at 10 o'clock, and I know he was late; he was later than I expected him to be. I thought about hollering at him to get down to dinner, and I expect if he had been by himself I would have done so; but I didn't.

Cross-Examination.

Ques. 1.- Please state what kind of time you keep, sun-time, or standard?

Ans.- Well sir, we keep tolerably fast time. Our clock and Mr. Muncy's there is generally about the same. We keep sun-time; of course we don't keep railroad time.

Q.- Please give the names of the hands that were working for you that day, that you called in to dinner?

Ans.- Well, I was thinking of that this morning. I don't know whether I can remember all of them. Dock Burchett was one, I think. I believe Ed Farmer was another. I think there were four in all, but I can't think who the other two were.

And further witness saith not.
Mary ^{her} Burchett
mark

(2)

Ques. If you remember the d y on which Mary Neff and Will Neff were married, and if you remember Will Neff and Victoria Neff passing your house on that day, State what time it was as near as you can, that they pass d on the way to be married?

Ans. --

Virginia, Lee County, to-wit:

I, L. T. Hyatt, a commissioner in chancery for the circuit court of Lee County, Virginia, do hereby certify that the foregoing depositions of Sib Anderson and Mary Burchett were duly taken, subscribed, and sworn to before me at the time and place and for the purpose in the caption thereto mentioned.

Given under my hand this 8 day of February, 1904.

L. T. Hyatt, Comm. in Chy.

Wm E. Neff
vs. { Lu Cly.
Mary E. Neff.

Defts Depos. of
Sib Anderson &
Mary Burchett.
Filed February 9th.
1904. H. C. T. Ewing clk.

Costs:

Cour.

\$ 5.25-

Wits

1.00.

6 25-

To *W.E. Neff*

Take notice that *I* shall, on the *8* day of *Febr* 190 *4*
at *the residence of Mr. J. Mummy near*
Van Lee, Va
between the hours of *8* A. M. and *8* P. M., on that day, proceed to take the depositions
of *Sib Auden Mummy* *Brockett* and others, to be read in evidence in *my* behalf,
in a certain *Suit* depending in the *Circuit* court for the *County*
of *Lee* wherein you are *Plaintiff*
and *I am the defendant*
and if from any cause, the taking of the said depositions be not commenced on that day, or, if com-
menced, be not concluded on that day, the taking of the same will be adjourned and contin-
ued from day to day, or from time to time, at the same place and between the same hours, until
the same shall be completed.

Very respectfully,

Mummy Neff

By Edwin Mummy to B

May E. Neff

as }

NOTICE TO TAKE
DEPOSITIONS.

W. E. Neff

p. q.

Virginia, Lee county, to-wit:

I hereby certify that on the 3rd day of February, 1904,
I delivered a true copy of the within notice to W. E. Neff.

Robert L. Cunningham

Sworn to before me, this the 3rd day of February, 1904.

L. T. Hyatt

Commissioner in Chancery

W.E.Neff

vs. Memo. of proposition of compromise as made by Mrs.Neff.
Mary E.Neff.

That whatever agreement of compromise shall be made the same shall be reduced to writing and signed by both parties, and duly acknowledged, a copy to be given to the attorneys of each party.

Mr.Neff must agree:

In all things to try to treat his wife with respect, kindness and consideration, allowing her such privileges in the home as is consistent with the position of a wife.

To live at home with her as man and wife and not in a separate house.

To stipulate to bury the past differences and not discuss them or refer to them when there arises any small differences, if any should arise.

In the event that he fails to treat her with such respect kindness and consideration so as that they can not live together in a reasonable degree of peace, and such disagreement is due to the violation of this agreement by Mr.Neff, and on account of his fault a separation becomes necessary, then that Mr.Neff shall pay to the said wife from the date of the separation the sum of \$150. during her life and that of Mr.Neff, or so long as she shall remain single, ~~the sum of \$150.00~~, which shall constitute a lien upon all the real estate which the said Neff now or may hereafter own.

Mrs.Neff will agree:

To be a faithful, devoted, kind and dutiful wife, and in the event of a separation due to or growing out of her fault or failure to do her duty or to act in a kind and considerate way toward her husband, then in that event to claim no right to support or maintenance from her said husband.

Beff } In Che
~~Beff~~
Lee Cir Court

Exhibit "A" with depo-
sition of J. J. Murree
June 17, 1903.
L. P. Hyatt, Comm.

Highest Market Price Paid for all Kinds of Country Produce in Exchange for Goods.

W. E. NEFF,
Dry & Goods, & Notions, & Groceries, & Hats,
Boots, Shoes,
Clothing, Ladies' & Gents' Furnishings,
Hardware, Queensware, Tinware, &c.

SHIPPING POINT:

HUBBARD SPRINGS, VA.

R. F. D. No. 2, Jonesville, Va.

March 3, 1903

Dearest Mary, E. —

Learnt through
Mr R. L. Pennington that you
would accept a call from me
something like $\frac{1}{2}$ hour after the
bearer of this note I shall take
pleasure calling to see you at your
fathers house. Hope you will greet
me with a warm reception and
return home with me.

Yours affectionately

W. E. Neff

note

(No 1)

Jonesville, La,
Nov 24/1902

Dear Mary:-

From your
Answer to my bill for
divorce, and from the
Statements of your Counsel
Made in open Court, I
understand that you will
recieve a proposition from
me to reconcile the differences
now existing between us.
In view of these facts, I
heartly most earnestly ask
you to return to me as a
wife, and ^{let} us live together
as man & wife according to
our Marriage vows, If you
accept this proposition, I shall
be pleased to come for you

at any time you may
name And I hope you
will name the earliest day
possible for me to come for
you. My Suit for divorce
was brought because I understood
that you had permanently aban-
doned and deserted me, and
have been so understanding
the matter for more than
three years.

The above proposition would
have been made instead of
this Suit long before this
had I not so understood
you as abandoning me as
I have always desired to
carry out our marriage
vows.

You are the only woman
I love and that love
for you has become a part
of my very nature, and
I feel that my happiness
depends on you accepting
the above proposition. I
shall be glad to have
your answer by the bearer
of this letter if it is con-
venient for you to do
so answer, at any rate
I shall be glad to hear from
you right away.

Affectionately Yours.

W. E. Hoff.

No 2

Dec 15 1902

My dear Mary,

I recd last Saturday your letter dated on the 6th December - 1902 I am very much pained at the thought that you doubt my good faith in the proposition I wrote to you in my letter of Nov 27/1902 You have no right to doubt my Sincerity, If I have ever at any time done anything to cause you to doubt me I do not know it, Again you say that you fear my proposition was only made with a view of furnishing myself with evidence to be used against

You, in this again you are
mistaken & I can't believe,
you entertain any such
opinion.

I am constrained to believe
that this is the opinion of
your Counsel & not your
opinion.

Now I want again to
assure you that I am in
the best of faith in my
proposition. I want you
I don't want a divorce if
it can be avoided I never
would have brought suit
but for the fact that I
thought you had abandoned
me forever. Yes I will take
pleasure in coming to see
you and we will talk this
unfortunate matter over

3rd

betwixt ourselves & if we
don't agree it will not be
my fault I have paid
the hundred dollars the Court
directed me to pay, to your
Attorneys Pennington Bros,
I am coming to see you
next Thursday or Monday ^{owing to the River} and I do
most Sincerely hope & trust
that you will kindly receive
me and that you will then
return home with one that
faithfully & truly loves you
above all other persons
on this broad earth,

Very truly & Devotedly Yours,
W. E. Jeff.

1
Jan: 6/1903

My Dear Mary

Again I write you, sincerely hoping that the letter will meet with a more favorable response than either of the others I have lately written you, and that it will meet a kinder & warmer reception than you give me when I come to see you a few days ago.

I have heard that you are not fully satisfied of my sincerity in this matter of reconciliation, now my dear Mary, I want to assure you in the strongest manner possible in the sight of that God before whom we will both have to appear at some distant day, that I am as sincere in everything I say to you as man can be.

2

I Courted you because I loved
you, I married you because I
loved you and because I thought
and believed you loved me,
I have met with many sad things
in life the death of a mother the
more recent death of a father but
Saddest of all is the fact that we are
separated, I know that neither you nor I
can blot out the past, but we can
improve the future, the years that we
have been separated are gone and we
cannot recall them but I hope and
trust there are many happy years yet
in store for us,

There is no promise that I can make
to you stronger than I made at the
alter when Gods minister joined us
in holy wedlock, but I can and do

Make the promisions over again,
 If you will only Come backe to me
 in Heavens Sight I promision that
 I will be a true & loving husband to
 you And all I ask is that you will
 be my loving And true wife, I want
 nothing else, but I do want you,
 Now my darling let me have a
 favorable responce from you,
 Write me to Come for you or if
 you are not yet ready to do this
 write me to come to see you, so that
 if there is anything upon which you
 are not sathisfied, I may try to
 sathisfy you, I understood your father
 to say something about it being necess-
 ary to make some Settlement at the
 Court House, I do not understand
 what he ment, but I am perfectly willing

4
for me & my attorneys to meet you
and yours and if anything is necessary
let it be done by them,
Now Mary let me hear from
you at once and let your answer
be favorable because if we
cannot reconcile our differences &
get together as we should we
will have to go on and prepare our
case for trial and let the Court
determine our destiny for us.

Lovingly Yours,

W. E. Hoff.

No "3"

Jonesville, Va. Feb. 2nd, 1903.

My Dear Mary:

I regret very much that the day has been so bad that you could not come to town so that we could have had a private conversation with each other and a full conversation in the presence of our counsel.

A few days ago your counsel submitted to my counsel a written proposition of settlement, and I now submit one to you in lieu thereof, which I think is much better for both of us than the one submitted by your counsel. As you know I am not wealthy and in addition to that I am in debt, and if you and I were to agree on the terms of compromise suggested by your counsel, its effect would be to bring down my creditors upon my head and as I am not able at once to meet the debts I owe I would be put to such costs as would cripple me in my business and would, perhaps, be put in a condition, that I could not give you that home which I desire to furnish to you. I do hope that you will accept the assurances which I give you in the proposition which I submit to you, and that you will be reconciled to me. If I know my own heart, it is that we should settle the differences that exist between us and take up again the marriage relation between us and live together as husband and wife. If there is any other promise not embraced in the agreement which I send you, that you desire me to make, I will make it to you if it is at all reasonable.

I will come to see you any time you will permit me, at your own home, or I will meet you any time here in Jonesville where you can have the advice of your counsel, if you desire it. Now please let me hear from you as soon as you can, and I do hope and trust that your answer will be favorable.

W.E.Neff

vs.

Mary E.Neff

The parties to this suit, husband and wife, being anxious to settle all matters of difference heretofore existing between them, and mutually desiring to resume the marriage relation entered into between them do hereby mutually agree, bind and pledge themselves to each other as follows:

FIRST:- That they will each pardon and forgive, and as far as possible forget, any error or mistake that either may have heretofore committed:

SECOND:- The said W.E.Neff agrees and binds himself in all things, to do his full and complete duty as a husband, to treat the said Mary in all things as a wife should be treated, to furnish her as comfortable and pleasant a home as his means will permit, to treat her kindly, with due respect and proper consideration, giving to her such privileges in the home as is consistent with the position of a wife, to stay with her at all times possible and to strive with all his power to make their home life of both pleasant, comfortable and happy:

THIRD:- The said Mary E.Neff agrees and binds herself in all things to do her full and complete duty as a wife, to treat the said William in all things as a husband should be treated and do everything in her power to assist her husband in making their home one of pleasure, comfort, happiness and enjoyment:

FOURTH:- The suit for divorce now pending in the Circuit Court of Lee County shall be dismissed in accordance with the terms of this agreement, at the costs of the said W.E.Neff.

Witness the following signatures and seals, this the 2nd day of February, 1903.

William E. Neff (SEAL)

(SEAL)

No 4

61

E.W. PENNINGTON

ROBT. L. PENNINGTON.

Pennington Bros.
ATTORNEYS AT LAW,
JONESVILLE AND PENNINGTON GAP VA

Van, Va., April 7, 1908.

Mr. W. E. Neff,

Jonesville, Va.

Dear Willie:-

Before answering your letter of the 1st, or making any reply to the propositions and offers therein contained, I would like to have an explanation or statement from you regarding a letter which I received two days ^{to} after your letter referred ^{to} above. The letter last referred to was received on April 4th and contained a photograph of yours mutilated in the condition explained to you by my attorney, R. L. Pennington, on yesterday; the letter contained no name of the sender but the handwrite seems to be yours, and the purpose of the sender, whether you or some other person, is dark and mysterious to me, and I am at a loss to know the meaning, whether it is jest, insult, ridicule or what. Before answering your letter, therefore, I would like to have from you a statement in regard to the matter. If you wrote and sent the letter, a frank statement as to what the purpose and intention of the matter was, and if you did not send it, a statement from you to that effect, with explanation why it was not you that sent it. Upon the receipt of your explanation of the matter herein referred to, I will answer yours of the 1st.

Sincerely yours,

Mary E. Neff

P.S. If it is so you can do so, I would like for you to come in person to answer about this matter, and if you will come, would be glad that you would let me know what time you will come.

M z A B.

E.W. PENNINGTON

ROBT. L. PENNINGTON.

Pennington Bros.
ATTORNEYS AT LAW,
JONESVILLE AND PENNINGTON GAP, VA.

Jonesville, Va., Dec. 6, 1902.

Mr. W. E. Neff,

R. F. D., Jonesville, Va.

Dear Mr. Neff:

I received several days ago your letter sent to me by Mess. Smith and Ely. In reply will say that I have carefully considered the matter of a compromise of differences existing, and am truly sorry to say that I can not believe that the proposition you make, is made in good faith, but fear that it is made only with a view of furnishing yourself with evidence to use against me in the suit you have brought against me. However, I want to give you a fair chance to show that you are really in earnest about the matter, and if you are, you are perfectly welcome to come over to my father's and we will talk this matter over and see what settlement can be made. Any time that will be convenient for you to come will suit me, *but I would prefer to know what day you will come.*

Yours very truly,

Mary E. Neff

October 1, 1897

N. E. N. 1

I have the honor to acknowledge the receipt of your letter of the 28th inst. in relation to the above named tract. The same has been forwarded to the proper authorities for their consideration. I am, however, unable to give you any definite answer at this time. I will, however, endeavor to give you a reply as soon as possible. Very respectfully,
J. H. [Signature]

E.W. PENNINGTON

ROBT. L. PENNINGTON

Pennington Bros.

ATTORNEYS AT LAW,

JONESVILLE AND PENNINGTON GAR. VA.

Van. Va., March 22, 1903

Dear Willie:-

I received your letter of the 18th asking me to come back to you, but stating no conditions upon which I shall come and making no promises that you will live with me in such manner as becomes a husband. Your letter states that you have been begging and pleading with me for reconciliation, I have not so understood it, you have asked me, it is true to come back to you, but no promise has been made that I shall not be treated as I was when we lived together before. When you have come to see me you have approached me in a distant, cold, harsh and careless way, and it has appeared to me that your asking me to come back has been rather from the lips than the heart. You say, it is true, in your letter that you will leave nothing undone on your part to make me happy, yet it seems to me that you propose to be the only judge of what it will take to make me happy, and some of the things that it would take to make me happy you refuse to do. I asked in the proposition made by me that you agree to stay with me in the same house and not in another, all this you refused to agree to. To inspire my confidence in you I asked that you agree that in case you should quarrel with me and leave me, without fault on my part, that you agree in that case to pay me an annual allowance, this also you positively refused to do. At first I asked that this part of the agreement be made a lien upon your property, but afterwards finding that it would possibly precipitate you in being sued by those you owe, I agreed that the lien part of this agreement be stricken out. Now if you are really sincere in wanting me back to your home such an agreement as this could hurt no one, if you treated me right such allowance would never be collectible. I asked that you treat me different to what you did when we lived together before, that is, that there would be no quarreling, no ~~head-garment~~ and while you are in

Pennington Bros.
ATTORNEYS AT LAW,
JONESVILLE AND PENNINGTON GARVA.

2

Hard sayings and ill words, and while you say in your letter you will treat me right you do not agree that these things shall not be lived over again. It seems to me the whole sum total of your propositions have been all the time that you will treat me right and do all you can to make me happy, but you leave your self as the sole judge of what right treatment is and what things are necessary to make me happy, and when we come down to agree upon a line of right treatment you are not willing that it shall be made specific. It would have been better and much easier to have effected a reconciliation before suit than after, the bringing of the suit has, I am sorry to say, made me a little suspicious, especially in view of the fact that you employed your counsel to bring this suit soon after you left me, and then brought it as soon as the limitation had expired.

Your statement that if I had acted upon my own free will we would have had these matters settled is a mistake. I have acted from choice in this matter, not because I did not love you as my husband, but I have acted out of precaution for my own self preservation, and while separation is painful, it would be more painful if it should turn out that you were in fact only trifling with me in this matter, and after having gone back should be left alone, and each day be cruelly tortured by unkind words, which to a woman's heart are more severe than the infliction of physical wounds. Yet how different might our life be from this, if we could go back together under a solemn promise to lead proper lives and live up to these each day, then we might be happy and lead together a happy and devoted life. You may think it is my fault that we have been unable to affect a reconciliation, but I think it is not, I think it is yours, in that you have not been willing to promise any thing better for

Pennington Bros.
ATTORNEYS AT LAW,
JONESVILLE AND PENNINGTON GAR, VA.

3

the future than the past has been.

You say in the the last lines of your letter that my abandonment of you has almost been the ruin of your life. I have never abandoned you. From the time that you took me back to father's and ther left me up to the present I have always been ready to live with you, but since the bringing of your suit I have sought some assurance that my life and feelings will be taken care of.

Sincerely yours,

Mary E. Neff

U2N. R.

E. W. PENNINGTON.

ROBT. L. PENNINGTON.

Pennington Bros.
ATTORNEYS AT LAW,
JONESVILLE AND PENNINGTON GAR. VA.

Jonesville, Va., April 28, 1903.

Mr. W. E. Neff,

Jonesville, Va.,

Dear Willie:-

It seems that all the propositions that I have made you have been unsatisfactory to you, and that we are unable to agree upon a satisfactory reconciliation, therefore I think that it is unnecessary for us to go any further with these negotiations. You can take such course as you and your attorneys are advised that you should take in this matter and proceed with your case against me as you think best.

Respectfully,

Mary E. Neff

M 2 N 4

April 1st, 1907.

My Dear Mary:

I received your letter of March 28th this morning. I have read and pondered it with all the care I could bestow upon it. I am willing to make you every promise that you have indicated or suggested in your letter, except that I am not willing to provide for a future separation which I think would be the result of making you a small allowance in the event of a future separation. I do not think that such a promise on my part is in the best interest of either of us. First, because such a provision seems to me to be a reservation for a separation before we get back together, and I do not want to make an inducement of that kind to our arguments because I want you. I want you for our lives: and in the event I should part with you which I never will do, the law affords you better protection than my written promise to you. And, I want my property for your benefit and mine, and it is unreasonable and unbusinesslike to tie it up in any way that would be against the interest of both of us. Our return to each other should be actuated by love and affection for each other: it should not be influenced by money or money considerations. I am actuated alone in this and all other appeals which I have made to you, by love and affection for you.

Now with these solemn promises I ask you to return to me as a wife and please fix a day for me to come for you, and let there be as little delay as possible. Answer soon.

Yours affectionately .

No 5-

March 18th, 1903.

My Dear Mary:

I am going to make one more effort to reconcile the differences between us, and one time ~~more~~ ^{more} implore you to come back to me and be to me a true and loving wife as you promised at the altar nearly four years ago, you would be. I have been begging and pleading with you for a reconciliation since last November and I regret to say that up to this time my pleading and my begging has been in vain. You have had sufficient time in which to consider this matter of reconciliation, and I believe that if you had been left to yourself and had exercised your own free will in the matter that you would have returned to me before this, and that we would now be living happily together. Now my dear Mary please exercise your own free will, forgive me for any errors I may have committed, forget the little differences of the past and ~~be~~ ^{be} come to me for you and take you to my home, and I promise you that I will leave nothing undone on my part to make you happy. God knows I am in earnest in this matter. Will you come? let me know at your earliest convenience. It is against your interest as well as mine that matters should further drag between us as they now are, and if you do not intend to be reconciled to me, it is better for both of us that the suit which I have instituted should be prosecuted to a close at the earliest time possible, and unless your answer to this letter is favorable, I shall take it for granted that further effort in way of reconciliation will be unacceptable to you and I will proceed to the preparation of the case for trial. This will be painful to me and no doubt disagreeable to you, but it is better for both of us that the matter shall be terminated in one way or another at the earliest possible time. Let me

hear from you at your earliest convenience and I shall hope and
pray until I do hear from you that when I hear it will be the welcome
message that you are willing to ~~me~~ return to me, and that you will
bid me come after you. Your abandonment of me has almost been the
ruin of my life. What effect your failure to return will have on me
God in his wisdom alone, knows.

Lovingly yours,

CARBON COPY

No 6.

April 13th, 1903.

Mrs. Mary E. Neff,
Van, Va.

My Dear Mary:

I received your letter of the 7th on Saturday last, asking me for a statement or explanation regarding a letter which your attorney R.I. Pennington spoke to me about and which he told me was received by you on April the 4th, and contained photograph of mine in a mutilated condition.

It is impossible for me to explain to you something that I know nothing at all about. I never sent you any such letter, nor do I know ^{who} could have sent it to you, nor do I know the purpose of the sender. I never heard of the letter until the matter was mentioned to me by your attorney, R.I. Pennington, and when he mentioned it to me I told him in positive terms that I knew nothing about it, did not send it and that I did not know who did send it. That letter and photograph was sent by some person who is a friend to neither of us.

I regret very much that I have been unable to come to see you in person. I did not receive your letter until between 2 and 3 o'clock on Saturday, and as you know Saturday is always my busiest day in the store, and there was a big meeting going on at Low Gap on Sunday, and I could not well get away on that day, and in addition thereto you wanted me to notify you beforehand what day I was coming, and I have had no opportunity to do so up to this time, and now the waters are up so that I can neither come nor send a messenger, but will come any day that you will let me know will be suitable to you.

Now as further evidence of my sincerity in this matter, I

enclose you my sworn affidavit denying all knowledge of the letter and photograph sent you by some designing person.

You state in your letter of the 7th that as soon as you receive my denial you will reply to my letter of the 1st. The tone of your letter makes me hopeful that your reply will be favorable. Now please let me hear from you just as soon as you can and make your reply favorable.

Very affectionately yours

P.S. I am going to try to send this letter from the river by a special messenger, if I succeed in doing so please answer it and the other letter by the bearer.

Yours.

No 7.

Virginia, Lee County, To-wit:

I, W.E.Neff, have been informed that on or about the 4th day of April, 1903, some person sent to my wife, Mary E.Neff, a photograph of mine, mutilated, I do solemnly swear that I did not send said letter and photograph: that I did not procure it to be sent: that I do not know who did send it, and that I had nothing to do in any manner, shape, form or fashion with the sending of the same. So help me God.

Sworn to and subscribed before me by W.E.Neff on this the 13th day of April, 1903.

N.P.

R

1181

2091

M. G. ELY,
ATTORNEY AT LAW,
& U. S. COMMISSIONER.

JONESVILLE, VA., Dec. 11th '1902

Mr. W.E. Neff,

Dear Sir:

In answer to your letter of yesterday, will say that you can have my dwelling house from now till January 1st' for nothing, and from Jan. 1st' to May 1st' at \$2.50 per month, and if you then rent the Store house another year, or renew your rental contract on the Store house property for another year, you may then have the dwelling house garden and lot and stable for a year at the rate of \$3.00 per month, that is, after the first of May, you may have the dwelling house &c. at \$3.00 per month as long as you occupy the Store house at \$2.50 per month, that will include the garden, and orchard lot, or School house lot, but will want to except the fruit if there is any, or at least two-thirds of it. Hope I have written this so you can understand it, and that it will be satisfactory, and ~~that~~ you will bring her in at once and have a merry Christmas.

I am yours Truly,

M. G. Ely.

No "10"

N. E. Neff

vs. { Divorce

Mary E. Neff

Exhibits with Deposition

C. T. Duncan,

Attorney-at-Law,



Jonesville, Va., April 13th, 1903.

Mrs. Mary E. Neff,

Van, Va.

My Dear Mary:

I received your letter of the 7th on Saturday last, asking me for a statement or explanation regarding a letter which your attorney R.L. Pennington spoke to me about and which he told me was received by you on April the 4th, and contained photograph of mine in a mutilated condition.

It is impossible for me to explain to you something that I know nothing at all about. I never sent you any such letter, nor do I know ^{who} could have sent it to you, nor do I know the purpose of the sender. I never heard of the letter until the matter was mentioned to me by your attorney, R.L. Pennington, and when he mentioned it to me I told him in positive terms that I knew nothing about it, did not send it and that I did not know who did send it. That letter and photograph was sent by some person who is a friend to neither of us.

I regret very much that I have been unable to come to see you in person. I did not receive your letter until between 2 and 3 o'clock on Saturday, and as you know Saturday is always my busiest day in the store, and there was a big meeting going on at Low Gap on Sunday, and I could not well get away on that day, and in addition thereto you wanted me to notify you beforehand what day I was coming, and I have had no opportunity to do so up to this time, and now the waters are up so that I can neither come nor send a messenger, but will come any day that you will let me know will be suitable to you.

Now as further evidence of my sincerity in this matter, I

C. T. Duncan,

Attorney-at-Law,

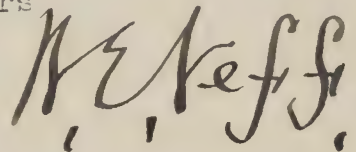


Jonesville, Va.,

enclose you my sworn affidavit denying all knowledge of the letter and photograph sent you by some designing person.

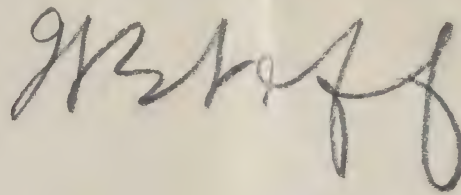
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Very affectionately yours



P.S. I am going to try to send this letter from the river by a special messenger, if I succeed in doing so please answer it and the other letter by the bearer.

Yours.



Virginia, Lee County, To-wit:

I, W.E.Neff, have been informed that on or about the 4th day of April, 1903, some person sent to my wife, Mary E.Neff, a photograph of mine, mutilated, I do solemnly swear that I did not send said letter and photograph; that I did not procure it to be sent: that I do not know who did send it, and that I had nothing todo in any manner, shape, form or fashion with the sending of the same. So help me God.

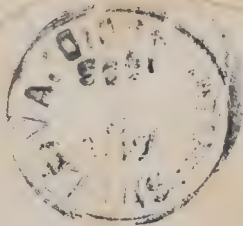
W.E.Neff.

Sworn to and subscribed before me by W.E.Neff on this the 13th day of April, 1903.

Geo. B. Coridline N.P.



Mrs. Mary Kiff,
J. Van,
Wesmina.





April Fool.

CARBON FINISH.

"Vin-Ko"

PHOTOGRAPHS.

Only 50 Cents per Dozen

HOW TO GET THEM:

SEND any photograph well wrapped, together with 50 cents, and 5 cents in stamps for mailing expenses. As soon as finished I will return the Original photo, with 12 "Vin-Ko" copies, same size and finish as this, charge prepaid to any postoffice in the world. Groups same price. Send your best Photo, Fully Prepaid.

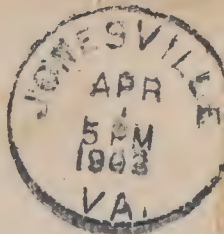
J. M. HOUSE,
PHOTO-STUDIO,

GADSDEN, ALA., U. S. A

WILL NEVER FADE.

C. T. DUNCAN,
Attorney-at-Law,
Jonesville, Virginia.

*from
Gretchen*



97
97
Mrs Mary E. Hoff.
Van, Va.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU THAT YOU SUMMON

S. S. Surgener & D. H. Parkey

a Commissioner in Chancery at the law office of R. L. Pennington in Jonesville Va
to appear before the Judge of our Circuit Court of the County of Lee, at the court-house

~~thereof~~, on the *22nd* day of *October* 190*3*, to testify and the truth to say

in behalf of the *Defendant*, in a certain matter of controversy in our said court

before the said Judge depending and undetermined between

M. E. Neff

Plaintiff, and

Mary E. Neff

Defendant . And this

they

shall in no wise omit, under the penalty of £100. And have then there this writ.

Witness, A. B. MUNSEY, Clerk of our said court, at the court-house the *16th* day of

October 190*3*, and in the *128th* year of the Commonwealth.

A B Munsey Clerk

Mary E. Neff

ado }

SUBPOENA
FOR
WITNESS.

M. E. Neff

Court,

the 22nd day of October

1903

Entered the within
Suspension by
Summons

J H Parker & Co
S S Surges to ap
pear at N. H. Harrington
office on the 22
day of Oct 1903 the 21 day
of Oct 1903 W-13 Short etc

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU THAT YOU SUMMON ^XIsaac Weston, ^XWilliam
Young, W. B. Short, J. F. W. Sadler, & W. B.
Mettrinan

at the law office of R. L. Pennington in the town of Jonesville
to appear ~~before the Judge of our Circuit Court of the County of Lee, at the court house~~
thereof, on the 17th day of June 1893 to testify and the truth to say
in behalf of the Defendant, in a certain matter of controversy in our said court
before the said Judge depending and undetermined between

W. E. Neff Plaintiff, and

Mary E. Neff, Defendant. And this they
shall in no wise omit, under the penalty of £100. And have then there this writ.

Witness, A. B. MUNSEY, Clerk of our said court, at the court-house the 18th day of
June 1893, and in the 12th year of the Commonwealth.

A. B. Munsey Clerk

Mary E. Neff

ado {

SUBPOENA

FOR

WITNESS.

M. E. Neff

Court,

the 17th day of June
1903.

Exhibiting the within process by returning M^{rs} Young
Jesse Weston W.B. Murdock -

W.B. Short C.L.C

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU THAT YOU SUMMON *S.S. Surgener, Mrs Mary Warren,*
Mrs Victoria Neff, Morrison Slagle, and
W.B. Short

at the law office of R.L. Permington in the town of Jonesville Va
to appear before the Judge of our Circuit Court of the County of Lee, at the court house
thereof, on the *17th* day of *June* *1903* *189*, to testify and the truth to say
in behalf of the *Defendant*, in a certain matter of controversy in our said court
before the said Judge depending and undetermined between

M.E. Neff Plaintiff, and

Mary E. Neff, Defendant . And this *They*
shall in no wise omit, under the penalty of £100. And have then there this writ.

Witness, A. B. MUNSEY, Clerk of our said court, at the court-house the *13th* day of
June *1903*, and in the *12^{7th}* year of the Commonwealth.

A.B. Munsey Clerk

Mary E. Neff

vs.

}

SUBPOENA
FOR
WITNESS.

M. E. Neff

Court,

the 17th day of June
18903

Executed June 15-1906
by solemnly the
Judge witnesses
W. C. Smith D.S.
for W. J. Milburn
S. L. C.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon Mary E. Neff

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be held for the said court, on the 3rd Monday in October, 1902, to answer a bill in chancery exhibited against her in our said court by

M. E. Neff

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house, the 14th day of October, 1902, and in the 127th year of the Commonwealth.

A. B. Munsey, Clerk.

W. E. Neff

vs. {

SUBPOENA

IN CHANCERY.

Mary E. Neff

B. H. Sewell p. q.

To 2nd October Rules.

1902. Circuit Court.

Executed by delivering an
attested copy of the within
sup. to Mary E. Neff -
This Oct 18th 1902 -
W. B. Smith D. S.
for W. J. Mulhearn
S. I. C.

W. E. Neff

vs. } In Chy.

Mary E. Neff.

Defts-Depoo. of
W. B. Merriam et al.
